

ROYAL COMMISSION ON TRINITY COLLEGE, DUBLIN,  
AND THE UNIVERSITY OF DUBLIN.

---

FINAL REPORT

OF

THE COMMISSIONERS.

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Presented to both Houses of Parliament by Command of His Majesty.

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DUBLIN:

PRINTED FOR HIS MAJESTY'S STATIONERY OFFICE,  
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1907.



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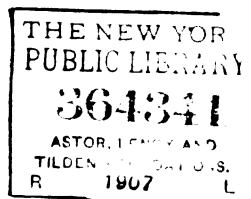
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NOTE.\* \*—The Statements and Returns furnished to the Commission in July and August, 1906, are contained in the "Appendix to the First Report" of the Commission (Cd. 3176—1906).

The Minutes of the Oral Evidence, with an Index thereto, together with the additional Statements and Returns furnished to the Commission are contained in the "Appendix to the Final Report."

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## WARRANT APPOINTING THE COMMISSION.

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WHITEHALL,

*June 5, 1906.*

### **EDWARD, R. & I.**

EDWARD the SEVENTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, to

Our right trusty and well-beloved Councillor Sir EDWARD FRY, Knight, late one of Our Lords Justices of Appeal;

Our right trusty and well-beloved Councillor CHRISTOPHER PALLES, Lord Chief Baron of the Exchequer Division of Our High Court of Justice in Ireland; and

Our trusty and well-beloved :—

Sir THOMAS RALEIGH, Knight Commander of Our Most Exalted Order of the Star of India, Doctor of Civil Law of Our University of Oxford, Fellow of All Souls College in Our said University;

Sir ARTHUR WILLIAM RÜCKER, Knight, Principal of the University of London, Doctor of Laws, Fellow and late Secretary of the Royal Society of London;

HENRY JACKSON, Esquire, Doctor of Letters, Regius Professor of Greek in Our University of Cambridge;

SAMUEL HENRY BUTCHER, Esquire, Doctor of Letters, late Professor of Greek in Our University of Edinburgh;

DOUGLAS HYDE, Esquire, Doctor of Laws of Our University of Dublin;

DENIS JOSEPH COFFEY, Esquire, Master of Arts, Fellow of Our Royal University of Ireland; and

STEPHEN BARNABAS KELLEHER, Esquire, Fellow of Trinity College in Our University of Dublin;

### **GREETING !**

WHEREAS by Warrant under Our Royal Sign Manual bearing date the first day of July, one thousand nine hundred and one, We were pleased to issue a Commission to inquire into the condition of the higher general and technical education available in Ireland outside Trinity College, Dublin, and to report as to what reforms, if any, were desirable in order to render that education adequate to the needs of the Irish People :

AND WHEREAS We have deemed it expedient that a further Commission should issue to inquire into and report upon the present state of Trinity College, Dublin, and of the University of Dublin, including the revenues of the College and of any of its officers and their application; the method of government of the University and of the College; the system of instruction in the College and the teachers by whom it is conducted; the system of University examinations, and the provision made for post-graduate study and the encouragement of research; and also to inquire and report upon the place which Trinity College, Dublin, and the University of Dublin now hold as organs of the higher education in Ireland, and the steps proper to be taken to increase their usefulness to the country :

NOW KNOW YE that We, reposing great trust and confidence in your knowledge and ability, have nominated, constituted and appointed, and do by these Presents nominate, constitute and appoint you the said Sir EDWARD FRY (Chairman); CHRISTOPHER PALLES; Sir THOMAS RALEIGH; Sir ARTHUR WILLIAM RÜCKER; HENRY JACKSON; SAMUEL HENRY BUTCHER; DOUGLAS HYDE; DENIS JOSEPH COFFEY; and STEPHEN BARNABAS KELLEHER to be Our Commissioners for the purposes of the said inquiry.

And for the better effecting the purposes of this Our Commission, We do by these Presents give and grant unto you, or any three or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission; and also to call for, have access to, and examine all such books, documents, registers, and records as may afford you the fullest information on the subject; and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And We do by these Presents authorize and empower you, or any three or more of you, to visit and personally inspect such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid, and to employ such persons as you may think fit to assist you in conducting any inquiry which you may hold.

And We do by these Presents will and ordain that this, Our Commission, shall continue in full force and virtue, and that you, Our said Commissioners, or any three or more of you, may from time to time, proceed in the execution thereof and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time, if you shall judge it expedient so to do.

And We do further ordain that you shall be at liberty so far as proper for the purposes of your said inquiry, to consider the reports of the before-mentioned Commission of the first day of July, one thousand nine hundred and one, and the notes appended thereto, and also the evidence taken before the said Commission, but shall not take evidence upon matters inquired into by the said Commission.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration.

Given at Our Court at *St. James's*, the second day of June, 1906, in the sixth year of Our Reign.

By His Majesty's Command.

H. J. GLADSTONE.

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*Appointment of Secretary.*

DUBLIN CASTLE,

June 8, 1906.

JAMES DERMOT DALY, Esquire, M.A., Barrister-at-Law, has been appointed Secretary to the Royal Commission upon Trinity College, Dublin, and the University of Dublin.

# ROYAL COMMISSION ON TRINITY COLLEGE, DUBLIN, AND THE UNIVERSITY OF DUBLIN.

## FINAL REPORT.

TO THE KING'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

1. We, the undersigned, were, by Your Majesty's Warrant bearing date the 5th day of June, 1906, appointed Commissioners to inquire into and report upon the present state of Trinity College, Dublin, and of the University of Dublin, including the revenues of the College and of any of its officers and their application; the method of government of the University and of the College; the system of instruction in the College and the teachers by whom it is conducted; the system of University examinations, and the provision made for post-graduate study and the encouragement of research; and also to inquire and report upon the place which Trinity College, Dublin, and the University of Dublin now hold as organs of the higher education in Ireland, and the steps proper to be taken to increase their usefulness to the country :

INTRODUCTION.

And we now humbly beg to report to Your Majesty as follows :—

### I.—PROCEEDINGS.

SECTION I.

2. On the 8th day of June, 1906, Mr. James Dermot Daly, M.A., Barrister-at-Law, was appointed Secretary of our Commission.

3. We held our first meeting on the 21st June, 1906, and then directed the issue of letters to the Chancellor and Vice-Chancellor of the University, and to the Provost of Trinity College; of circulars to the Provost, Fellows, and Professors of the College, requesting observations and information on all the subjects referred to us for report; of letters to the Council and Senate of the University, and to various individuals and bodies from whom we thought that we might receive assistance; and we further directed the publication of an advertisement stating our willingness to receive and consider written statements from any persons or bodies who might desire to lay them before us.

Meetings of the Commission.

4. In reply to those letters, circulars, and advertisement, numerous statements and memoranda have been received, the principal of which will be found in the appendices to our first and this present Report.

Documentary evidence.

5. On the 31st day of August, 1906, we presented our first Report to Your Majesty, which, together with an Appendix containing the statements and returns furnished to us during the months of July and August, 1906, was by Your Majesty's Command presented to both Houses of Parliament.

First Report.

6. On the 10th October, 1906, a meeting was held of the Roman Catholic Bishops and Archbishops of Ireland, at which they resolved<sup>1</sup> that they did not see the utility as things then stood of offering evidence before us beyond the statement which we had received from them, and which appears in the Appendix.<sup>2</sup>

Resolution of Hierarchy.

<sup>1</sup> Appendix to Final Report, Document No. XLVI.

<sup>2</sup> Appendix to First Report, p. 80.



## SECTION I.

Further documentary evidence.

7. At our meeting on the 16th day of October, 1906, we directed the issue of an advertisement inviting objections to or criticisms on the schemes for change in the government of the College and University suggested by documents contained in the Appendix to our first Report; in reply to which we have received certain papers which appear in the Appendix to this Report.

Oral evidence.

8. On the 16th, 17th, 18th, 19th, 20th, 22nd, and 23rd days of October we sat in the Provost's House in Trinity College, Dublin, and heard witnesses; and on the 7th, 8th, 9th, 10th, 12th, 13th, and 14th days of November we heard witnesses, in London, and we continued our sittings on the 15th and 16th November, and again on the 20th and 21st December, 1906, and on the 2nd January, 1907.

9. We have sat in all on 21 days, and heard 44 oral witnesses.

Examination of accounts.

10. We thought it desirable that the accounts rendered to us by the Provost should be investigated by an independent professional accountant: and we therefore, on the 14th November, with the approval of the Treasury, instructed Messrs. Price, Waterhouse & Co., Chartered Accountants, of London, to act on our behalf. The instructions given to them by us as well as their report will be found in the Appendix.<sup>1</sup>

Commission of 1901.

11. Furthermore we have in pursuance of the liberty granted to us by Your Majesty considered the Report of the Commission<sup>2</sup> issued under Your Majesty's Warrant of the 1st day of July, 1901, and the notes appended thereto, and the evidence taken before the said Commission so far as appeared to us to be proper for the purposes of our Inquiry.

## SECTION II.

## II.—ARRANGEMENT OF REPORT.

Scheme of Report.

12. We propose first to make a general statement of the present condition of Trinity College and of the University of Dublin; then to deal with the place which Trinity College and the University hold as organs of the higher education in Ireland, and to inquire whether there are any steps proper to be taken to increase their usefulness to the country with reference to the claims of Your Majesty's subjects of the Roman Catholic Faith; and subsequently to inquire into the other matters mentioned in the terms of reference, including the propriety of recommending changes in the institution for reasons disconnected with the religious question.

## SECTION III.

## III.—THE PRESENT STATE OF TRINITY COLLEGE, DUBLIN, AND THE UNIVERSITY OF DUBLIN.

Students.

13. The Corporation of Trinity College at the present time includes the Provost, the seven Senior Fellows, and twenty-four Junior Fellows. It appears from the returns printed in the Appendix,<sup>3</sup> that the total number of students on the books of the College, on the 1st of January, 1906, was 1,114, of whom 261 male students resided within the College and 853 male and female students outside the College. Amongst the 1,114 students, six males held studentships, seventy held scholarships, and thirty-four held sizarships; ninety-seven were female students, of whom thirty-one were students from Oxford or Cambridge on whom the University of Dublin had conferred degrees in December, 1905, or was about to confer degrees. Further particulars as to the years 1900 to 1906 inclusive, as to the number, the religious professions, and the places of origin of the students, will be found in the Appendix.<sup>4</sup>

<sup>1</sup> Appendix to Final Report, Document No. XCIV.

<sup>2</sup> Royal Commission on University Education in Ireland; First, Second, Third, and Final Reports, with Appendices thereto, 1901-3.

<sup>3</sup> Appendix to First Report, p. 21.

<sup>4</sup> *Ibid.*; also Appendix to Final Report, Document No. VIII., p. 337.

## SECTION III.

14. There are in the University and College forty-four professorships and one office of anatomist and thirteen lectureships the particulars of which appear in the Appendix,<sup>1</sup> twenty assistants to professors, two assistants to lecturers, and two demonstrators. Two Presbyterian clergymen act as catechists for Presbyterian students. A summary of the scholarships, exhibitions, and prizes awarded by examination in the University or College, will be found in the Appendix.<sup>2</sup>

Teaching Staff.

Prizes.

15. In establishing the College Queen Elizabeth undoubtedly set before her as models the Colleges of Oxford and Cambridge, and apparently beyond all others Trinity College, Cambridge, which had been incorporated by her father King Henry VIII. in the last year of his reign: and the Irish institution like the older Universities of England has down to the present day retained its character as a University of the ancient type. Classics and Mathematics have continued to be the leading subjects of instruction and the branches of learning to which the chief honours and rewards have been assigned.

College modelled on Oxford and Cambridge.

16. Nevertheless the University and College have not been unmindful of the advancement of learning and the widening of science; and the Board of the College has been enabled within the last fifty years from funds partly of the College and partly contributed by friends of the College to make important additions to the teaching staff and to the equipment of the institution. From the statement in the Appendix<sup>3</sup> it will be seen that within that period there have been established within the College twelve new professorships, and ten new lectureships, and that the following buildings have been either constructed and equipped or greatly enlarged and improved—viz., the Museum Building, the Medical School Buildings, the Laboratories for Mechanical and for Electrical Engineering and the new Buildings of the School of Experimental Physics. The foundations of a new building for the Botanical School are at present being laid.

Modern developments.

17. The University possesses Faculties of Medicine, Engineering, Law, and Divinity in addition to the Faculties of Arts and Science; and in recent years diplomas in Education and in Commerce and degrees in Dental Science have been instituted. The College maintains an army school; and post-graduate medical courses and courses in agriculture have recently been established.

Faculties.

18. The following institutions are connected with the College and the University. The *Library*, under the Copyright Act, is entitled to receive copies of published books. The foundation of the building was laid in May, 1712, a State Grant of £5,000 having been obtained, on the address of the Irish House of Commons, for the purpose of building a Library. The *University Press* owes its foundation to Dr. Stearne, Bishop of Clogher and Vice-Chancellor of the University. The present Printing House was built between 1758 and 1761. The *University Museum* was founded in 1777. The present Museum building was erected by the Provost and Senior Fellows in 1857. The *University Herbarium* was established apart from the Museum in 1844. The *College Botanical Garden* was established in 1807. Particulars concerning its present position are contained in the evidence of Professor H. H. Dixon.<sup>4</sup> The *Observatory* at Dunsink, to which we shall have occasion to refer in a subsequent section of this Report, was founded in 1744.

Institutions connected with College and University.

19. We believe that Trinity College is capable of improvement as we shall indicate in the course of this Report; and that it will in the future increase in strength and usefulness: but as it stands to-day it is a noble

<sup>1</sup> Appendix to Final Report, Document No. LXXXI.

<sup>2</sup> *Ibid.*, Document No. LXXX.

<sup>3</sup> *Ibid.*, Document No. XI, p. 342.

<sup>4</sup> Appendix to Final Report, p. 69.

institution for the maintenance of sound learning not unworthy of its great traditions and of the affection and veneration with which it is regarded by its children.

## SECTION IV.

IV.—THE COLLEGE AND UNIVERSITY  
AS ORGANS OF THE HIGHER EDUCATION IN IRELAND.

The College and  
Protestant  
Episcopalians.

20. Trinity College was, as is well known, founded in the reign of Elizabeth, and has ever since its foundation been in the hands of Protestants, and at least since the Restoration in the hands of Episcopalian Protestants. It has undoubtedly during all that period commanded the confidence of the Episcopalian Protestants of Ireland, and may be held to have been and still to be, upon the whole, a satisfactory organ for the higher education of the Episcopalian Protestants of Ireland.

The College and  
Presbyterians.

21. Since the year 1886 two catechetical teachers, appointed by the Board on the nomination of the Presbytery of Dublin, have exercised their functions for the benefit of students who are members of the Presbyterian Church.

Resolutions of  
Board.

22. In November, 1903, the Provost and Senior Fellows came to the following very important resolutions<sup>1</sup> :—

“That the Registrar be directed to write to Cardinal Logue and inform him that the Provost and Senior Fellows of Trinity College, Dublin, are willing to provide religious teaching for the Roman Catholic students by members of their own Church on terms precisely similar to those on which religious teaching is now given to Church of Ireland and Presbyterian students, and to ask for His Eminence's sanction for this arrangement, the teachers to be nominated either by himself or by the Roman Catholic Archbishop of Dublin from persons whose names, as in the case of the Presbyterian Church, have been submitted to and approved of by the Board.

“The Provost and Senior Fellows are willing to consent to the erection of a Roman Catholic Chapel within the precincts of the College, if sufficient funds for its erection are supplied.

“The Provost and Senior Fellows are further willing to grant professional privileges to Divinity students of the Roman Catholic Church (who are students in Arts in Trinity College) on conditions similar to those granted to Divinity students of the Church of Ireland.

“That the Registrar be directed to write to the Moderator of the General Assembly of the Presbyterian Church informing him that the Provost and Senior Fellows of Trinity College are willing to grant to Presbyterian students all the privileges at present enjoyed by members of the Church of Ireland—that is to say, not only religious instruction by clergy of their own Church, but also a Divinity School, and a Chapel inside Trinity College—if the members of the Presbyterian Church of Ireland desire to establish such institutions and be willing to supply the necessary funds.

“That pending the introduction at any time of a Divinity School for the Presbyterian Church into the University of Trinity College, the Board will extend to Divinity students of the Presbyterian Church the same professional privileges in Arts as are at present enjoyed by Divinity students of the Church of Ireland.”

Attitude of  
Hierarchy.

23. On November 17th, 1903, Cardinal Logue acknowledged the receipt of the Registrar's letter, and added that he could be “no party to the arrangement proposed therein.”

Attitude of  
Presbyterian  
Church.

24. The communication made in pursuance of the above resolutions to the Moderator of the General Assembly of the Presbyterian Church was not more successful than that made to Cardinal Logue, for when the matter came before the Committee of the General Assembly on Higher Education that body declined to recommend the acceptance by the General Assembly of the offer, and the offer has accordingly remained unaccepted.

Statement of  
Hierarchy.

25. In reply to an application from ourselves, the Standing Committee of the Roman Catholic Archbishops and Bishops of Ireland, at a meeting held on the 25th July, 1906, drew up a statement<sup>2</sup> which they have furnished to us and which concludes with the following passage :—“To sum

<sup>1</sup> Appendix to First Report, p. 101.

<sup>2</sup> Appendix to First Report, p. 80.

up then, the Standing Committee of the Catholic Bishops feel that they are safe in stating that the Catholics of Ireland would be prepared to accept any of the following solutions—(1) a University for Catholics, (2) a new College in the University of Dublin, (3) a new College in the Royal University; but that on no account would they accept any scheme of mixed education in Trinity College, Dublin.”

26. The result of the predominant Protestant and Episcopalian atmosphere of Trinity College on the one hand, and of the views entertained by the authorities of the Roman Catholic Church in Ireland upon the other hand, has been that Trinity College has never been, and is not now to an extent adequate to the reasonable requirements of the country, an organ for the higher education of the Roman Catholic population of Ireland. Out of 266 students who, in the year 1905-6, entered the College, 35 only were known to belong to the Roman Catholic Church.<sup>1</sup>

The Religious Difficulty.

27. The policy of Strafford, Laud, and Bramhall in reference to the Church of Ireland was highly distasteful to Protestants with Puritanical or Presbyterian proclivities<sup>2</sup>; and one result of their action has been the persistent want of sympathy for Trinity College entertained by the great body of Presbyterians in the North of Ireland. In consequence Trinity College cannot be considered as a satisfactory organ for the higher education of the Presbyterian population of Ireland. Of the 266 students who entered the College in the academic year 1905-6, 18 only were known to belong to the Presbyterian Churches.<sup>3</sup>

College unsatisfactory for Presbyterians.

28. How far the College can be considered as a satisfactory organ for the higher education of the Methodists and other persons not belonging to either of the two principal bodies of Protestants in Ireland we have no very distinct evidence. During the academic year 1905-6, out of 266 students who entered the College 49 were either of the smaller bodies of Protestants or of no ascertained religious faith.<sup>4</sup>

College and Methodists.

29. The effect of the state of things to which we have referred was forcibly described in the Report of the Commission of 1901 in the following terms<sup>4</sup>:—

Effect of Religious Difficulty.

#### “ IV.—RESULTS OF EDUCATIONAL DEFECTS AND THE RELIGIOUS DIFFICULTY.

“ From the religious difficulty it has, as matter of fact, resulted that a comparatively small number of the Irish population go to College at all; from the defective system of the Royal University it has resulted that the education supplied to those who go is not what it should be. It should be noted that there is no parallel between the position occupied by the Royal University in Ireland and that occupied by the University of London (even before its reorganisation) in the educational system of the two countries. In England those who were dissatisfied with a purely examining University could choose between a number of residential Universities of various types. In Ireland, for the mass of the people, it has been the Royal University or nothing. This University, though created to meet the religious difficulty, has neither solved the difficulty, nor satisfied educational needs. The evils arising from the want of a higher education, truly academic, and at the same time acceptable to the majority of the Irish people, are far-reaching, and penetrate the whole social and administrative system. The Roman Catholic clergy are cut off from University training. School teachers, too, have no sufficient motive to graduate. No University provision is made for the training either of primary or of secondary teachers. Again, the one College—University College, Dublin—which meets with the entire approval of the Roman Catholic Church, is crippled on the side of the practical sciences. It has no funds for the equipment of laboratories, and of all that the prosecution of these studies demands. This is the more to be regretted as this College, in spite of very limited resources, has maintained its teaching up to a high academical standard in the department of Arts. On the whole it would seem that the Roman Catholics, even more than the members of other denominations, have failed to obtain through the Royal University and the Colleges connected with it, that combination of general education with technical knowledge which is required by the social conditions now prevailing in Ireland. Young men who might find useful careers in industrial

<sup>1</sup> Appendix to First Report, p. 20.

<sup>2</sup> An Epoch in Irish History: Trinity College, Dublin, its Foundation and Early Fortunes by John Pentland Mahaffy, D.D. (London, T. Fisher Unwin, 1903), p. 230.

<sup>3</sup> Appendix to First Report, p. 20.

<sup>4</sup> Final Report of the Commission of 1901, p. 29.

## SECTION IV.

and practical pursuits are drawn away by the cheap attractions of an Arts degree that can be obtained simply by examination results. There appears to be a dearth of the trained capacity necessary for professional posts in the several departments of applied Science. Of the successful candidates in Arts some of the abler men go to the Bar; many, we are told, find their way into the lower grades of the Civil Service; others, whose natural fluency has been aided by practice in examinations, become journalists; but this profession, by common agreement, is overstocked. The kind of literary education which the Royal University promotes has been pushed beyond due limits, and has become a source of weakness rather than of strength to the country. The Most Rev. Dr. O'Dwyer, in speaking of the boys in Roman Catholic schools who win most of the prizes in the Intermediate examinations, says:—"Nine-tenths of them are lost; they are going now to swell the ranks of the *déclassés*, they have got half an education; they are not farmers, nor are they artisans, nor are they shopkeepers, but they have a smattering of Classics, they have a smattering of Mathematics, they have a smattering of Modern Languages, and they are half-educated." "They are," he adds, "led up to the door of the University . . . and then left absolutely helpless in the world."<sup>1</sup> The facts placed before us in evidence leads us to fear that much the same thing might be said of many who enter the door of the Royal University and pass into the world as graduates.

More than one Chief Secretary for Ireland has confessed that in making appointments he has found it difficult to find among the candidates well qualified Roman Catholics. The chief cause of this failure lies in the religious difficulty or scruple which cuts off the people at large from free access to University education. Hence a double evil—on the one hand, a want of training in special branches of knowledge, and on the other, a low standard of general culture. We are, indeed, told by competent observers that there are signs of an awakening intellectual life throughout Ireland, manifesting itself in various movements, among others in the study of the Celtic language and literature, on the part of the younger generation, who, though they lack the facilities for organised study, are aware of the dignity that learning adds to national existence. If such forces are at work even within a limited circle of able young men, the fact is of good augury for the growth of a new academical ideal. But in any case it cannot be disputed that there are very many Roman Catholics who, though they may not share these higher aspirations, are keenly conscious of the disabilities, due to backward education, which impede their material advancement in the world.

The evils arising from the want of higher education adapted to the Roman Catholics have also been pressed on us both from the economic and from the social point of view. Mr. Horace Plunkett<sup>2</sup> has urged that in the administration of his own Department (the Department of Agriculture and Technical Instruction), whatever be his starting point, he is brought back to educational requirements. He needs highly-trained inspectors of agriculture and teachers of practical science; but the demand cannot be satisfied in Ireland. Again, it rests with his Department to combine in a working system the two principles of local self-help and State-aid, which the legislature has recognised. Schemes have to be drawn in conjunction with local bodies all over the country. In particular, there are two bodies, of a representative character, which act as Advisory Boards to the Department, one for Agriculture, the other for Technical Instruction. The ultimate financial control rests with these Boards, which can veto all the schemes of the Department. It has, therefore, become of paramount importance that not only the leaders of commerce, but also the better class of farmers and traders on whom such responsible duties may devolve, should have a knowledge of sound economic principles. Every form of economic heresy is, we are told, rife in Ireland, and the teaching of political economy has not yet been brought within reach of the people.

The Most Rev. Dr. O'Dwyer,<sup>3</sup> taking a comprehensive survey of the situation created by social changes and by recent legislation, argues in a similar sense. The educated classes, who might be regarded as the natural leaders of the people, have, as he says, lost their old position; immense political and social power has been transferred to municipal bodies whose members belong largely to the working classes; and both in town and country the new leaders of the democracy must be educated, if danger to the community is to be averted."

## SECTION V.

## V.—STEPS TO INCREASE THE USEFULNESS OF THE COLLEGE AND UNIVERSITY WITH REFERENCE TO THE RELIGIOUS DIFFICULTY.

Questions to be considered.

30. The consideration of what steps are proper to be taken to increase the usefulness to the country of the College and the University divides itself into two groups of questions: the one relating to the government and internal affairs of the institution: the other relating to the religious difficulty, the nature of which we have already indicated.

<sup>1</sup> Evidence of the Most Rev. Dr. O'Dwyer, *Appendix to First Report of the Commission of 1901*, p. 24, col. 2.

<sup>2</sup> Evidence of Mr. Horace Plunkett, *Appendix to Third Report of the Commission of 1901*, p. 234, and *passim*.

<sup>3</sup> Evidence of the Most Rev. Dr. O'Dwyer, *Appendix to First Report of the Commission of 1901*, p. 25.



31. We will take the last-mentioned matters first, and inquire whether it is desirable to introduce into the constitution of Trinity College, Dublin, such modifications as shall make it acceptable to the Roman Catholic subjects of Your Majesty; or, again, whether it is desirable to create a new College within the University of Dublin so constituted and governed as to make it acceptable to Roman Catholics.

SECTION V.  
—  
Suggestions for removal of Religious Difficulty.

32. It will be convenient to state at once the principal schemes which have been suggested to us for the solution of the religious difficulty. They are :—

Proposed solutions.

- i. Such a modification of the constitution of Trinity College as shall make it satisfy the claims of the Roman Catholic Hierarchy.
- ii. The establishment in the University of Dublin of a College which, whilst imposing no tests on the students or professors, shall yet be so constituted as to satisfy the Roman Catholic Episcopate that it created no danger to the faith or morals of the Roman Catholic students.
- iii. The establishment within the University of Dublin of three or perhaps four additional residential Colleges, namely, the Queen's Colleges at Belfast, Cork, and perhaps that at Galway, and a new College suitably equipped in Dublin without tests but intended to give adequate security against danger to the faith and morals of the Roman Catholic students.
- iv. The establishment of a new University acceptable to Roman Catholics and with a similar constitution as to tests and the security of faith and morals, with or without the establishment of another University in Belfast.
- v. The establishment in the Royal University reformed on the lines indicated in the report of the Commission of 1901, of a duly equipped College with the absence of all tests, but with the needful security as to faith and morals.

33. It is clear that the first three schemes directly affect Trinity College and the University of Dublin, and are within the obvious scope of our Inquiry; and that as regards the last two schemes we are bound to consider their general features, though not their details, because if it should appear that either of them is, under existing circumstances, the most reasonable and expedient solution of the religious difficulty, it will be impossible to recommend as proper some less beneficial scheme affecting the College or the University.

Schemes within scope of present Inquiry.

34. We are unanimously of opinion that it is impossible to recommend any such changes in the constitution of the College as would render it acceptable to the Roman Catholic Episcopate. Inasmuch as the Standing Committee of the Roman Catholic Bishops in the document<sup>1</sup> sent by them to us have assured us that the Catholics of Ireland "would on no account accept any scheme of mixed education in Trinity College, Dublin," we cannot hope to render the College acceptable to the Roman Catholic Episcopate by reasonable changes in its constitution. In the above conclusion the Commission are unanimous. The Bishops, in the document<sup>1</sup> before mentioned have in fact disclaimed any desire on the part of the Roman Catholic people to have changes made in the constitution of the College for their sakes.

(1)  
Solution by alteration in constitution of College, impracticable.

35. Meanwhile there is a considerable body of Roman Catholic laymen in Ireland who would gladly send their sons to Trinity College if they could do so with the approbation of their Church; and their views have been presented to us in evidence.<sup>2</sup>

<sup>1</sup> Appendix to First Report, p. 80.

<sup>2</sup> Appendix to First Report, p. 110. Also Appendix to Final Report, Evidence of Mr. N. J. Synnott (p. 83), and Mr. G. Fottrell (p. 98). Also Document No. LII.

## SECTION V.

36. In particular we have very carefully considered certain proposals made by a group of Fellows and Professors in the hope of rendering the College more acceptable to Roman Catholics,<sup>1</sup> but whilst we recognize the liberal and generous spirit which prompted the attempt, we are bound to say that at the present moment we cannot hope for a solution on these lines.

*Recommendation**I.*

Offer of special arrangements for Roman Catholics, Presbyterians, Methodists, and others, to be expressed in Statute.

37. We nevertheless think that it would be desirable that the College should continue to hold out the welcome which it extended by the resolutions of the Board of November, 1903, and that it should do so even more emphatically than it has already done; and for that purpose we *recommend* that there shall be included in the Statute or Charter regulating the future constitution of the College, express powers at any time to carry into effect the proposals made by the resolutions referred to, and to extend these or similar offers to the Methodists and other religious bodies in Ireland in addition to the Roman Catholics and Presbyterians; and also to make any arrangements which may render the College more acceptable to members of the Roman Catholic Faith who desire to enter within its walls.

38. Many, or perhaps all, of these things may be within the powers of the College without further authorization; but our suggestion is that the powers should be expressed in the constituent Charter or Statute by way of a permanent offer, of which, in the future, advantage may possibly be taken.

*(2)*

Solution by separate University hardly feasible.

39. On another point we are in practical agreement. Whatever may be said for or against the creation of a new University in Dublin acceptable to Roman Catholics, yet looking at the question as a practical one, we have the greatest doubts whether the creation of such a University would at present be feasible.

*(3)*

Solution by new College.

40. If we thus lay aside the schemes for the entire modification of Trinity College and for the erection of a new University, we come to consider the creation of a new College and the three schemes which have that feature in common, and here we are not in agreement. Of the Commissioners, four (the Lord Chief Baron, Sir Thomas Raleigh, Dr. Douglas Hyde, and Dr. Coffey) are of opinion that the University of Dublin should be remodelled so as to contain five Colleges within it, viz., Trinity College, a College acceptable to Roman Catholic students in Dublin, and the three Queen's Colleges; one of the Commissioners (Professor Jackson) thinks that such a reconstruction of the University of Dublin would be the only satisfactory solution, but in view of the hostility of the Colleges concerned, is not prepared to recommend an immediate attempt to realize the scheme; three (Sir Edward Fry, Sir Arthur W. Rücker, and Mr. Butcher) think that in the circumstances the reconstruction of the Royal University so as to become a teaching University comprising four constituent Colleges, viz.: a new College in Dublin acceptable to Roman Catholics and the three Queen's Colleges, would be the best solution of the difficulty, and that therefore no additional College should be introduced into the University of Dublin; and one (Mr. Kelleher) is of opinion that no new College should be created. Four Commissioners are therefore in favour of remodelling the University by the admission of additional Colleges and four are against it, and one though in favour of it does not recommend immediate action.

41. Appended to our Report will be found statements of the several views of the Commissioners.

Suggestions for improvement of institution apart from religious difficulty.

42. The various suggestions with a view to increase the usefulness of the College and the University which we shall make in the subsequent part of our Report, will be stated with a view to the College and University in their present relation towards one another. But if that relation should be altered by the introduction into the University of one or more additional Colleges, it will be probably necessary but not difficult to recast our

<sup>1</sup> See "Joint Statement III." in Appendix to First Report, page 23; also the evidence of Professor Culverwell, Appendix to Final Report, pages 43, 149, 169.

suggestions with regard to the Governing Body of the College, the Boards of Studies, and the Academic Council in such a manner as to bring the reconstituted University and Trinity College into harmonious working.

SECTION V.

43. In the recommendations, which will be found in the subsequent part of our Report, we have aimed at stating our opinion as to what should be in the future the ultimate constitution of the University and College; but the changes which we propose will evidently require time to effect, and must be made with a due regard to all vested interests, whether financial or titular, and there must consequently be a period of transition between the old and the new state of things. Until the final form of constitution has been settled, it is obviously useless to consider in detail how the transition is to be effected, and we have, therefore, abstained from going into any detail relating to it.

Period of transition.

## VI.—INTERCOLLEGIATE CO-OPERATION.

SECTION VI.

44. In contemplating the formation of a new College, whether in the University of Dublin or in the Royal University, we regard it as very desirable that Trinity College should be authorized and encouraged to hold out a friendly hand to the new College, and for this purpose we *recommend* that Trinity College shall be empowered—

Recommendation II.

Establishment of relations between the Colleges.

- (a) to recognise teachers appointed by the other body;
- (b) to recognise courses of study and examinations prescribed and carried on by the other body as equivalent to its own;
- (c) to join in the appointment of teachers and of Boards or Committees common to both bodies;
- (d) to apply funds for any of the above objects.

45. If the new College is empowered in like manner, these provisions will enable much good work to be done in common, if the desire for such friendly co-operation should arise in both Colleges.

## VII.—THE REVENUES OF THE COLLEGE AND OF THE PROVOST, AND THEIR APPLICATION.

SECTION VII.

46. Information with regard to these matters will be found in the statements and returns in the Appendix to our First Report,<sup>1</sup> and in the supplementary statements and returns in the Appendix to the present Report.<sup>2</sup> From these it appears that for the year ending 31st October, 1905, the receipts of the College on general account amounted to the sum of £76,360 18s. 5d., that the receipts in respect of special Trust Funds held by the College amounted to the sum of £5,077 7s. 10d., and to these must be added the sum of £9,760 5s. 9d. received during the same year by the Junior Bursar of the College from the students and not appearing in the general account, but paid by him as shown in Return IV., Table II.<sup>3</sup> in the Appendix to our First Report.

Receipts of College.

47. It further appears that the only officer of the College who has any separate revenue is the Provost, and that his income for his separate estate during the said year amounted to the nett sum of £1,787 5s 0d.<sup>4</sup>

Provost's separate Estate.

<sup>1</sup> Appendix to First Report, p. 5, *et seq.*

<sup>2</sup> Appendix to Final Report, Document No. VII, p. 331.

<sup>3</sup> Appendix to First Report, p. 12, *et seq.*

<sup>4</sup> *Ibid*, p. 19.

SECTION VII.  
Application of  
Revenues.

48. The application of the income of the College on general account to the extent of £70,027 6s. 8d. is shown in the Appendix to our First Report, Return I., Table V., leaving an excess of income over expenditure of £6,333 11s. 9d.<sup>1</sup>

Trusts Funds.

49. Of the sum of £5,077 7s. 10d. received by the College in respect of Trust Funds, there remained on the 31st October, 1905, in the hands of the College Authorities the sum of £2,339 4s. 7d. as yet unapplied.<sup>2</sup>

Provost's Estate.

50. The income of the Provost's separate estate has been retained by him as part of the remuneration of his office.

Accountants' Report.

51. The report of Messrs. Price, Waterhouse & Co., Chartered Accountants, of London, acting under the instructions before referred to, will be found in the Appendix to this Report.<sup>3</sup> It justifies us in the conclusion that the income of the College has been faithfully administered, but at the same time it makes suggestions for the centralisation of the financial work of the College and for the simplification of its accounts which we deem to be highly important, and we *recommend* that these suggestions shall receive the attentive consideration of the authorities of the College.

Recommendation  
III.  
Accounts.

SECTION VIII.

VIII.—THE METHOD OF GOVERNMENT OF THE UNIVERSITY AND OF THE COLLEGE.

Existing relation  
of College and  
University.

52. The relation of the University and College is a matter of some speculative difficulty; the principal facts which throw light upon this question will be found in the Notes appended to this Report.

53. Whatever be the answer to the inquiry—whether the College and University be two bodies, or one body under two aspects—the government of University and College have been so far conducted as that of one institution, that it will be convenient so to deal with it in the following part of our Report.

Officers of  
University and  
College.

54. The Report of the Commission appointed by Her late Majesty's Warrant of the 14th day of April, 1851, to inquire into the state, discipline, studies, and revenues, of the University and the College contains a full account of the functions of the Chancellor, Vice-Chancellor, Visitors, Provost, of the Senior and Junior Fellows, and other officers. It may, however, be useful here to indicate briefly the nature of these offices and the more important duties assigned to them.

Chancellor.

55. *The Chancellor.*—The office of Chancellor was created by the Charter of Elizabeth,<sup>4</sup> and Lord Burleigh was nominated in the Charter as the first Chancellor. The election to the office under the Charter of Charles I.<sup>5</sup> was vested in the Provost and Senior Fellows, but by the Letters Patent of 1857 (21st Vic.)<sup>6</sup> it was provided that thenceforth the Board should propose the names of three persons from amongst whom the Chancellor should be elected by the Senate. In the event of the Senate declining or omitting to elect a Chancellor within a specified period, the nomination and appointment on that occasion passes to the Crown.

Functions.

56. The Senate is convened only by the Chancellor (or, in his absence, the Vice-Chancellor, or pro-Vice-Chancellor). When presiding at the Senate the Chancellor has the power to adjourn or dissolve its meetings, and has a casting vote. He is bound to convene the Senate on a requisition presented to him by the Provost and Senior Fellows. He can prohibit

<sup>1</sup> Appendix to First Report, p. 9.

<sup>2</sup> Appendix to Final Report, Document No. XCIV.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Chartae et Statuta*, Vol. I., p. 8.

<sup>5</sup> *Ibid.*, p. 25.

<sup>6</sup> *Ibid.*, Vol. II., p. 141.

any law, rule, bye-law, or grace from being proposed by the Board to the Senate. He forms one of the *Caput* of the Senate, and as such has the right of veto on all graces. He is also one of the Visitors of the College.<sup>1</sup>

## SECTION VIII.

57. *The Vice-Chancellor.*—The Vice-Chancellor is nominated by the Chancellor and has all the powers of the Chancellor in his absence. When the office of Chancellor is vacant, the Vice-Chancellor convenes the Senate and presides at its meetings. He is empowered to nominate the pro-Vice-Chancellor.<sup>2</sup> Vice-Chancellor.

58. *The Visitors.*—In the Charter of Elizabeth provision was made for seven Visitors, who were named therein.<sup>3</sup> Under the Charter of Charles I.<sup>4</sup> it was enacted that the Visitors should be the Chancellor (or in his absence the Vice-Chancellor) and the Archbishop of Dublin for the time being. By Letters Patent (43 Vic.), 1880,<sup>5</sup> the Lord Chief Justice of Ireland for the time being was substituted for the Archbishop of Dublin as one of the Visitors. The Visitors have all the powers possessed by visitors at Common Law and certain powers defined by the Charter of the 13th of Charles I.<sup>6</sup> They are also associated with the Provost and Senior Fellows in the exercise of certain legislative powers, such as the making of decrees in certain cases. Visitors.

59. *The Provost.*—Under the Elizabethan Charter<sup>7</sup> the appointment to the office of Provost was vested in the Fellows of the College. This was changed by the Charter of Charles I.<sup>8</sup> in 1637, when the appointment was vested in the Crown. The qualifications for the office are fully set forth in the second chapter of the Caroline Statutes, and it is provided that, in the election to the office, "*cæteris paribus*" preference should be given to a person educated at the College.<sup>9</sup> The Provost is the head of the Corporation (*caput societatis*), and is the principal officer engaged in the active government of the College.<sup>10</sup> He is also Ordinary of the College Chapel.<sup>11</sup> Provost

60. The powers<sup>12</sup> of the Provost at the meetings of the Board are extensive. His presence, or that of the Vice-Provost, is necessary to the validity of all acts of the Board. Functions.

61. In the Caroline Statutes<sup>13</sup> it was provided that the Provost should be in holy orders and a doctor or bachelor of Divinity. It was also provided that he should be celibate and that he should relinquish his office on marriage. The rule as to celibacy was repealed in 1811 by Letters Patent (52 Geo. III.)<sup>14</sup> The rule regarding holy orders was abrogated by the third section of the University of Dublin Tests Act in 1873.<sup>15</sup> Regulations regarding Holy Orders and Celibacy abrogated.

62. The emoluments of the Provost are derived from two sources:— (1) From the College Funds; (2) from the income of estates attached to the provostship by Grant from the Crown (Provost's Private Estate). Particulars regarding the Provost's income will be found in the Appendix.<sup>16</sup> Emoluments.

63. *The Senior Fellows.*—Associated with the Provost in the government of the College are the seven Senior Fellows "*ut . . . ei sint tanquam assessores, et ut eorum consilio et auxilio omnia majora Collegii negotia*" Senior Fellows.

<sup>1</sup> Chartae et Statuta Vol. II, p. 139, *et seq.*

<sup>2</sup> *Ibid.*, pp. 137, 141–142

<sup>3</sup> *Ibid.*, Vol. I., p. 8.

<sup>4</sup> *Ibid.*, p. 26

<sup>5</sup> *Ibid.*, Vol., II, p. 391.

<sup>6</sup> *Ibid.*, Vol. I., pp. 26–27.

<sup>7</sup> *Ibid.*, Vol. I., p. 4.

<sup>8</sup> *Ibid.*, p. 18.

<sup>9</sup> *Ibid.*, p. 31.

<sup>10</sup> *Ibid.*, p. 35

<sup>11</sup> Dr. Traill's Evidence, Appendix to Final Report, p. 147.

<sup>12</sup> Chartae et Statuta, Vol. I., pp. 35, 58.

<sup>13</sup> *Ibid.*, Vol. I., pp. 31, 33.

<sup>14</sup> *Ibid.*, p. 257.

<sup>15</sup> *Ibid.*, Vol. II., p. 302.

<sup>16</sup> Appendix to First Report, p. 19.



## SECTION VIII.

tractet, sive ad mores, sive ad doctrinam, sive œconomiam spectantia.”<sup>1</sup> The distinction between Senior and Junior Fellows was first made in the time of Provost Temple (1609-1626). He divided the Fellows into seven Senior and nine Junior (four of whom were probationers), and he placed the government of the College in the hands of the former.<sup>2</sup>

## Co-opted from Junior Fellows.

64. The Senior Fellows are co-opted without examination from the Junior Fellows, when vacancies occur—the senior of the Junior Fellows being almost invariably selected. If the co-option does not take place within three days, the selection devolves on the Chancellor, except when the vacancy arises during the vacation, when the time for election is extended.<sup>3</sup>

## Duties.

65. The duties of the Senior Fellows mainly arise from their association with the Provost on the College Board, and also from certain offices which they hold, and for which they alone are eligible. The offices held by Senior Fellows are those of Vice-Provost, Senior Dean, Catechist, Registrar, Senior Lecturer, Senior Proctor, and Bursar. The emoluments of the present Senior Fellows are set forth in the Appendix.<sup>4</sup>

## Offices held by Senior Fellows.

66. The *Vice-Provost*<sup>5</sup> is annually elected by the Board, the consent of the Provost being necessary to the appointment. The Vice-Provost takes the place of the Provost when he is absent. The *Senior Dean*<sup>6</sup> is also elected annually by the Board. The Senior Dean and *Junior Dean* (the latter being appointed annually by the Board from among the Junior Fellows) have charge of discipline within the College, and superintend the performance of religious duties. They also are concerned with the control of the College servants. The *Senior Lecturer*<sup>7</sup> regulates and controls the examinations. The *Bursar*<sup>8</sup> manages the property and funds of the College. He is assisted in these duties by the *Junior Bursar* (appointed by the Tutors, subject to the approval of the Board), who is responsible for the receipt and allocation of fees paid by students, other than scholars, and the payment of a moiety to the Tutors and other College Officers entitled to them. The *Catechist*<sup>9</sup> has certain duties connected with the religious instruction of the students. The *Registrar*<sup>10</sup> acts as Secretary to the Board. He keeps the Minutes and has custody of all papers and documents. The *Senior Proctor*<sup>11</sup> and the *Junior Proctor* are responsible for seeing that the candidates for degrees perform the exercises of their respective classes, they take the votes in the University Senate, and they collect and distribute to the University officers the fees payable on degrees.

## Junior Fellows

67. *Junior Fellows*.—The number of the Junior Fellows fixed in the Charter of Charles I. was nine: one was added to this number by a Royal Letter of William III. in 1698. Three additional Fellowships were founded in 1723 by Act of Parliament (10 Geo. I.), out of the Erasmus Smith endowments, and two new Fellowships were established by Letters Patent (1 Geo. III.) in 1761.<sup>12</sup> In 1880, by Letters Patent (43 Vic.)<sup>13</sup> it was enacted that an election for one Fellowship, and one only, should be held every year, irrespective of vacancies. The present number of Junior Fellows is twenty-four. The mode of appointment to a Fellowship is election by the Board on the result of a competitive examination. The emoluments of the present Junior Fellows are set forth in the Appendix.<sup>14</sup> In addition to the offices of Junior Dean and Junior Proctor, the offices of *Registrar of Chambers* and of *Registrar of University Electors* are tenable by Junior Fellows.

<sup>1</sup> Chartae et Statuta, Vol. I., p. 35.

<sup>2</sup> The History of the University of Dublin, 1591-1800, by J. W. Stubbs, D.D., S.F.T.C.D., (Dublin, 1889), p. 29.

<sup>3</sup> Chartae et Statuta, Vol. I., p. 97, Vol. II., p. 247.

<sup>4</sup> Appendix to First Report, p. 11.

<sup>5</sup> Chartae et Statuta, Vol. I., p. 58.

<sup>6</sup> Ibid., p. 59.

<sup>7</sup> Ibid., p. 63.

<sup>8</sup> Ibid., p. 76.

<sup>9</sup> Ibid., p. 50.

<sup>10</sup> Ibid., p. 251.

<sup>11</sup> Ibid., p. 164.

<sup>12</sup> The History of the University of Dublin, by J. W. Stubbs, D.D., F.T.C.D. (Dublin, 1889), p. 209.

<sup>13</sup> Chartae et Statuta, Vol. II., p. 390.

<sup>14</sup> Appendix to First Report, p. 12.

68. The Board consists of the Provost and the seven Senior Fellows. It has the sole management and control of the estates and revenues of the Corporation, and, subject to the powers of the Council and of the Senate to be hereafter mentioned, it has the government of all the affairs of the institution, whether as a University or as a College. SECTION VIII.  
Board.

69. The Council was constituted under the Queen's Letter of the 4th November, 1874,<sup>1</sup> to "co-operate and have a share in the regulation of the studies, lectures, and examinations in the College, and in the appointment and election of Professors, and the regulation of the tenure of office and of the duties of the Professors." It consists of the Provost, or, in his absence, the Vice-Provost, and sixteen members elected out of the members of the Senate, as to four by the Senior Fellows, four by the Junior Fellows, four by the Professors who are not Fellows, and four by those members of the Senate not entitled to vote as Fellows or Professors. Council.

70. The Council is empowered to nominate to all professorships, except those the nomination to which is vested in some other body, and except certain professorships in the School of Divinity; but the nomination by the Council is subject to the approval of the Provost and Senior Fellows. Furthermore, the rules for regulating the studies and the duties of Professors, and the creation of new professorships require the approval of the Council as well as of the Board. Functions

71. The Senate or Congregation of the University, consisting of the Chancellor or Vice-Chancellor and the Doctors and Masters of the University, was a body which for upwards of two hundred years had been governed by certain "*Regulæ seu Consuetudines Universitatis Dublinensis pro solenniori graduum collatione.*"<sup>2</sup> These having become, by lapse of time, obsolete or unsuitable to existing conditions, Her late Majesty Queen Victoria, by Her Letters Patent of the 24th July, 1857,<sup>3</sup> gave or confirmed to the Board the power of amending and making rules for the conferring of degrees, subject to ratification by the Senate, but provided that no law or rule could be proposed except by the Board. Her Majesty directed that the Senate should continue to consist of the Chancellor, Vice-Chancellor, or pro-Vice-Chancellor, and such Doctors and Masters as should have their names on the books of the College: She empowered the Senate to elect the Chancellor from one of three names to be proposed by the Board: and She incorporated the Senate under the style of the Chancellor, Doctors, and Masters of the University of Dublin. Senate.

72. The Caput of the Senate consists of the Chancellor (or, in his absence, the Vice-Chancellor or pro-Vice-Chancellor), the Provost (or, in his absence, the Vice-Provost), and the Senior Master Non-Regent, who is elected by the Senate. Each member of the Caput has a veto on the proposal of a grace for a degree. Caput of Senate.

73. We desire to express very strongly the high opinion which we have formed of the work done by the Board as the supreme power in the College, and of the liberality with which, during the last half century, it has striven to extend the area of instruction within its walls. But, nevertheless, we are of opinion that certain changes in the government of the University and College would increase their usefulness to the country. Work of Board.

74. Owing to various circumstances, but especially in consequence of the abolition of celibacy as a condition of a fellowship and the extinction of the advowsons belonging to the College, under the Irish Church Act of 1869, the Board has become a body of elderly men: we learn that the present average age of its members is over seventy and the average time which has elapsed since they graduated is between fifty and fifty-one years. Age of members.

<sup>1</sup> *Chartae et Statuta*, Vol. II., p. 349.

<sup>2</sup> *Chartae et Statuta*, Vol. I., 162; also Appendix to Final Report, Document No. III., p. 320.

<sup>3</sup> *Chartae et Statuta*, Vol. II., p. 134; also Appendix to Final Report, Document No. IV., p. 323.

## SECTION VIII.

Position of Junior  
Fellows towards  
the Board.

75. The entire exclusion of the Junior Fellows from participation in the business of the supreme council of the College is felt by them, and as we hold, reasonably felt by them, to be a grievance.

76. When Provost Temple first divided the Fellows of Trinity College into the two classes of Senior and Junior Fellows and conferred upon the former class the chief government of the College, the Seniors were then as now seven in number, the Junior Fellows were then nine only, whereas now they are twenty-four in number. At first nearly half the Fellows shared in the government, now only seven out of thirty-one.

Position of  
Professoriate  
towards the  
Board.

77. The professoriate of the College contains men of great eminence who are not Fellows of the College or members of the Senate; it is a body the number and importance of which has increased of late years, and will, we hope and believe, still continue to increase in the future: the Professors as such have no voice in the supreme council of the College.

78. The entire exclusion from the Governing Body of all the Junior Fellows and Professors is, in our opinion, unreasonable and injurious to the best interests of the College.

Recommendation  
IV.

Reconstitution of  
Governing Body.

79. For these and other reasons we *recommend*—

(i.) That the Board or Governing Body of the College shall ultimately consist of not more than 15 nor less than 9 members, who shall be approximately divided as follows:—One-fourth to be the Provost and other *ex-officio* members: one-half to be elected by Fellows and Professors voting together, from among the Fellows: and the remaining fourth to be elected in the same way from among the Professors who are not Fellows.

(ii.) That a quorum shall be fixed and that the practice of attendance by substitute which has hitherto prevailed shall be abolished.

(iii.) That the Governing Body shall elect a Standing Finance and Estates Committee, a Standing House Committee, a Standing Library Committee, and such other Standing and other Committees as it may from time to time think fit, with power to the Board to appoint on any Committee persons not members of the Board, and whether or not Fellows or Professors.

(iv.) That no member of the Governing Body or of any Committee shall receive any remuneration as such.

(v.) That the Governing Body shall employ a Chartered Accountant to be the external Auditor of the accounts of the College, and shall annually publish a summary of the accounts of the College, including the income of the Provost's estates.

Recommendation  
V.

Academic Council  
and Boards of  
Studies.

80. As regards the existing Council, we *recommend*—

(i.) That it shall be abolished and that in its place there shall be substituted an Academic Council and Boards of Studies.

(ii.) That the Professors and lecturers in each of the existing Faculties of the University—viz., Arts, Science, Divinity, Law, Medicine, and Engineering, and such other Faculties as the Board may from time to time create—shall form a Board of Studies for that Faculty, whose duty it shall be to report to the Academic Council on the merits of candidates for election to professorships or lectureships which are in the selection of the Governing Body, on the courses of study in the Faculty, and generally on all matters pertaining thereto, and also to elect a Chairman and Vice-Chairman of the Board of Studies, and a Secretary attached to the Faculty.

(iii.) That the Chairmen and Vice-Chairmen of the several Boards of Studies shall, together with the Provost, constitute the Academic Council, whose duty it shall be to consider all reports made to them by the several Boards of Studies, and to forward the same to the Governing Body with such observations thereon as they may think fit.

Senate.

81. With regard to the Senate we propose no change in its constitution or powers.

## IX.—THE SYSTEM OF UNIVERSITY EXAMINATIONS.

## SECTION IX.

## i.—For Degrees.

82. (a) *Examinations in Arts.*—At the beginning of each of the three Arts. terms of the academic year examinations are held in the subjects of the lectures of the preceding term.

83. In order to obtain the B.A. degree all students, who are not in the Medical School, must keep eight terms in Arts. Of these terms one must be kept by examination in each of the four years of the undergraduate course, and of those examinations one must be the October examination of the Senior Freshman year, or an examination in the same subjects held at the beginning of the Hilary and of the Trinity terms, and one must be a degree examination of the Senior Sophister year. Privileges are granted to medical students as regards the number and the subjects of the examinations, and professional students in the other schools are exempted from certain subjects of the examinations in the Sophister years.

84. (b) *Examinations in Medicine.*—In order to obtain the degrees of Medicine. M.B., B.Ch. and B.A.O. a student must have passed the Preliminary Scientific Examination, the Intermediate Medical Examination, parts I. and II., the Final Medical Examination, parts I. and II., and must have graduated in Arts.

85. (c) *Examinations in Engineering.*—In order to obtain the degree of Engineering. B.A.I. the student must have passed examinations in the engineering school, held at the end of the first and of the second years, and the final examination at the end of the third year, and must have graduated in Arts.

86. (d) Examinations are also held for the degrees of B.D., LL.B., LL.D., Other degrees. Mus. Bac., and Mus. Doc.

## ii. For Honours.

87. Students may become candidates for Honours in the following sub- Honour subjects. jects at examinations held during each term :—

*Junior Freshmen.*—Mathematics, Classics, History, English Literature, French, German.

*Senior Freshmen.*—Mathematics, Classics, Logics, History, English Literature, French, German.

*Junior Sophisters.*—Mathematics and Mathematical Physics, Classics, Logics, Experimental Science, Natural Science, History and Political Science, Modern Literature, Legal and Political Science.

*Senior Sophisters.*—Mathematics and Mathematical Physics, Classics, Ethics, Experimental Science, Natural Science, Legal and Political Science.

88. Honour examinations are held in Experimental Science and in Honour examina- Natural Science in the Michaelmas Term of the Junior and Senior Fresh- ations. man years.

89. At the B.A. degree examination students may graduate in Honours Honour degrees. in any one or more of nine subjects, viz. :—

Mathematics and Mathematical Physics, Classics, Logics and Ethics, Experimental Science, Natural Science, History and Political Science, Modern Literature, Legal and Political Science, Engineering Science.

**SECTION IX.**  
**Suggestions.**

90. Reviewing the courses of study and the system of examinations in the College and University, we are led to the following conclusions.

*Recommendation*  
*VI.*  
**Widening of**  
**courses.**

91. In the first place, we think that, notwithstanding what has been done of late years within the College walls, the scope of the studies pursued might with advantage be widened in many directions, and that the distribution of honours and rewards gained should be revised so as to give greater encouragement than is now done to many branches of study. We *recommend* the matter to the consideration of the authorities of the College.

*Recommendation*  
*VII.*  
**Fewer examin-**  
**ations.**

92. In the next place, we are of opinion that the public examinations are too numerous, and impair the teaching power of the staff. We further *recommend* the like consideration of this matter.

**SECTION X.**

**X.—THE SYSTEM OF INSTRUCTION IN THE COLLEGE AND THE TEACHERS BY WHOM IT IS CONDUCTED.**

93. The system of instruction in the College is partly tutorial and partly professorial.

**Teaching by**  
**Junior Fellows.**

94. The teaching in Arts is mainly tutorial, and is performed for the most part by Junior Fellows. At one time all the teaching was performed by Junior Fellows, but during the last fifty years several new subjects have been introduced as options into the Arts course, while the course for the Fellowship examination has remained confined to Mathematics, Classics, Ethics and Logics, Experimental Physics, and Hebrew. In appointing teachers in the new subjects, it has, therefore, been necessary to go outside the body of Fellows, and distinguished scholars have been chosen as Professors or as lecturers.

95. In the professional schools the teaching is mainly professorial, and is chiefly performed by Professors and lecturers who are not Fellows.

96. Of the Fellows, the seven Senior and that one of the Juniors who is Junior Bursar, are not required to teach. The rest teach as Professors or as tutors, or as Professors and tutors. Of the Fellows who are tutors, fifteen look after the College interests of pupils, and stand to them *in loco parentis*. Nine Fellows hold professorships and six others are employed as lecturers, or assistants to professors or to lecturers.

**Teaching by**  
**Professors.**

97. In addition to the Fellows there are thirty-one Professors, twelve lecturers, one university anatomist, two readers, twenty assistants to professors and lecturers, and two demonstrators.

**Public Lectures.**

98. The following lectures are open to the public as well as to the students of the College :—

The prelections of—

The Professor of German, the Regius Professor of Divinity, Archbishop King's Professor of Divinity, the Professor of Hebrew, the Professor of Biblical Greek, the Regius Professor of Laws, the Regius Professor of Feudal and English Law.

The Lectures of—

The Professor of Astronomy, the Professor of Ancient History, the Professor of Moral Philosophy, the Professor of Geology and Mineralogy, the Professor of Ecclesiastical History, the Professor of Irish, the Professor of Comparative Anatomy to Medical Students.

Four Lectures of—

The Professor of Natural and Experimental Philosophy, the Professor of Oratory.

**Private Tutors.**

99. In addition to the staff of the College there are certain private tutors, graduates of the University, who give instruction to students.



## XI.—FELLOWSHIPS.

## SECTION XI

## Duties.

100. As already mentioned, the Junior Fellows furnish all the tutors and many of the Professors to the College, and the Senior Fellows fill the offices of Vice-Provost, Auditor, Senior Proctor, Senior Dean, Senior Lecturer, Bursar, and Registrar, and discharge the higher duties of administration.

## Disparity between Senior and Junior Fellows.

101. The distinction thus existing between the Senior and the Junior Fellows is a very marked one, and it is increased by the great disparity in the remuneration received—each Senior Fellow, as such, receiving £92 6s. 4d. per annum, and each Junior Fellow, as such, £36 18s. 8d.; but, by reason of the assignment of salaried offices, this difference is unimportant in comparison with the actual difference of the amounts received; thus, in 1905, the junior of the Senior Fellows received £1,386 14s., whilst the senior of the Junior Fellows received £843 4s. 8d.<sup>1</sup> We think that it would be unreasonable to maintain this great chasm between the Senior and Junior Fellows both as regards the offices they fill and the remuneration they receive, and we *recommend* that ultimately the distinction shall disappear, and that, whilst keeping the stipends of all Fellows as such at a very moderate amount, the total incomes of the Fellows shall be arranged on a more equitably graduated system than at present exists. We may add that the abolition of the distinction between the two classes of Fellows almost necessarily follows from the recommendations which we have made as to the Governing Body.

## Recommendation

## VIII.

Removal of distinction between Senior and Junior Fellows.

## Fellowship Examination.

102. At present the election to a fellowship is entirely dependent on the results of an examination, held generally once every year, and lasting for several days. If it should be contended that the examination has been justified by the results, it would be difficult to contest the statement, having regard to the eminence and distinguished abilities of the Fellows of the College. At the same time the examination tends to reward not so much originality or general vigour of mind as book learning, and the possession of a retentive memory and the capacity of quick and lucid presentation of all that is in the mind. During the past ten years the average number of attempts to obtain the fellowship made by candidates who proved ultimately successful is five.<sup>2</sup> The years passed by the candidates for the fellowship in seeking for the honour are years of strenuous intellectual labour, addressed to the achievement of success in the examination room and not, as might otherwise have been the case, to original research and the enlargement of human knowledge or to the preparation for some profession or intellectual career. Such a prolonged struggle, with the natural anxiety incident to it, is often found to produce evil results, alike on the successful and the unsuccessful candidates. "There seems no doubt," says Lord Rosse, the Chancellor of the University, "that the present examination system involves too long and severe a strain on the candidates, causing in some cases a permanent injury to their health, and in most cases an indisposition for scientific or literary work for the rest of their days."<sup>3</sup> The fate of the candidate who has at last lost all hope of success is still worse, and he often falls back upon some humble position in life.

## Recommendation

## IX.

Modification of Fellowship Examination.

103. A system which entails such a waste of intellectual power ought, in our opinion, to be reformed, and with this view we *recommend* that at the annual examination for an ordinary fellowship it shall be competent for any candidate to present for consideration any dissertation or published or unpublished work, and after consideration of the report of the examiners and of all the credentials of the candidates, the Governing Body shall elect the candidate who, in their judgment, is best fitted for a fellowship in the College, but with a power in the Governing Body, if they so think fit, to make no election; that such election shall be for three years,

<sup>1</sup> Appendix to First Report, p. 11., *et seq.*

<sup>2</sup> *Ibid.*, p. 64.

<sup>3</sup> Appendix to Final Report, Document No. XII., p. 344.

## SECTION XL.

during which period the Fellow shall be known as a Probationary Fellow, and that at the end of that period he may be elected, without examination, to a full fellowship; that a limit of age or of standing shall be imposed on the candidates, and that the tenure of a full fellowship shall be until death or retirement, or until incapacity or grave fault, declared by the Governing Body, after hearing or giving an opportunity of being heard to the Fellow in question.

*Recommendation*  
X.  
Professors to be  
Fellows.

104. In order to increase the dignity and influence of the professoriate, an object to which we attach much importance as regards the future welfare of the College, we *recommend* that a fixed number of fellowships shall be assigned to Professors to be elected by the Governing Body,—the fellowship to be vacated on the avoidance of the professorship.

*Recommendation*  
XI.  
Election of  
Fellows without  
Examination.

105. Again we are of opinion that the Governing Body should be able to introduce into the College, on the ground of attainments in learning and science, persons whom they may desire to employ in its service and to appoint to educational offices: and we therefore *recommend* that the Governing Body shall have the power of electing without examination any such person to an occasional fellowship, carrying a stipend, but terminable with the occupant's tenure of office.

*Recommendation*  
XII.

106. We further *recommend* that the whole body of Fellows shall have a power to make formal representations to the Governing Body about important questions of policy or administration.

## SECTION XII.

## XII.—PROFESSORS.

Tenure.

107. We beg to refer to the tabular statement in the Appendix<sup>1</sup> for detailed information as to the professorships and lectureships in the University and College. From this it will be seen that a considerable diversity exists as to the tenure of office by the several Professors and lecturers, some holding office, as it is said, *ad vitam aut culpam*—others holding for seven or five years or one year, and some being subject to other conditions as to tenure. In most, but not all cases, a retiring Professor is re-eligible. Again, there is a considerable difference in the terms of eligibility to office—in some cases the choice must be from Doctors of Divinity or Bachelors of Divinity, or Junior Fellows—sometimes from the graduates of a chartered University in the United Kingdom: and sometimes a preference is to be given to particular exhibitioners.

Appointment.

108. Again, the electors are different in different cases. In most instances the election rests with the Board, but in the case of the Erasmus Smith professorships the approval of the Erasmus Smith Governors is required.

*Recommendation*  
XIII.  
Reform in method  
of appointment to  
professorships.

109. The professorships and lectureships in the Divinity and Medical Schools will be considered hereafter in our Report; but as regards all the other appointments we *recommend* that in the case of each of the most important chairs now in the gift of the Board, an electoral Board shall be constituted, selected from without as well as within the walls of the College, entrusted with the duty of selecting, and electing to the professorship: that as regards the minor chairs and lectureships, the Governing Body shall elect, after receiving from the Board or Boards of Studies concerned a report upon the merits of the several candidates: that all the appointments to chairs shall be until death or retirement, or until incapacity or grave fault declared by the Governing Body after the Professor or lecturer concerned has had an opportunity of being heard: and lastly, that no restrictions shall be placed upon the class from which Professors or lecturers may be selected.

<sup>1</sup> Appendix to Final Report, Document LXXXI.

## XIII.—RETIREMENT.

## SECTION XIII.

110. We *recommend* that in the case of all Professors, lecturers and officers certain limits of age shall be fixed for optional and compulsory retirement respectively, but that a Fellow, though coming under this regulation in respect of any office he may hold, shall have the right to retain his title and stipend as Fellow and to attend the meetings of all the Fellows and to vote as such, but shall be ineligible for a seat on the Governing Body.

*Recommendation  
XIV.  
Retirement of  
Fellows,  
Professors, &c.*

111. We further *recommend* that a scheme shall be worked out for awarding pensions to retiring Fellows (in respect of any offices they may have held), Professors, lecturers and other officers. The settlement of such a scheme will demand a consideration of the whole financial position of the College and probably also actuarial advice.

*Recommendation  
XV.  
Pensions.*

## XIV.—DIVINITY SCHOOL.

## SECTION XIV.

112. There can be no doubt that the Divinity School has been a constituent part of the College from very shortly after its foundation, for Luke Challoner, one of the three Fellows named in the original Charter of 1592, was Professor of Divinity and was succeeded by Archbishop Ussher in 1607. Archbishop King's lectureship was founded in 1718, and the professorships of Biblical Greek and Ecclesiastical History in 1838 and 1850, respectively.<sup>1</sup> Archbishop King's lectureship has recently been changed into a professorship.<sup>2</sup>

*Foundation.*

113. The position occupied in the College by the Divinity School has obviously been much affected by the Act of 1873, which threw open all the offices of the College to members of all denominations, with the single exception of Professors of or teachers in Divinity.<sup>3</sup> By reason of the attitude taken up towards the College by both Roman Catholics and Presbyterians the effect of this Statute on the religious atmosphere of the College has been less than might have been anticipated; but it is possible that changes may hereafter take place in this respect, and it is conceivable that Roman Catholics or Presbyterians might hold the majority of offices in the College. It thus appears that the position of the Divinity School demands careful consideration.

*Effect of  
Fawcett's Act.*

114. Two proposals on this subject have been laid before us:—the one that the Divinity School should be absolutely separated from the College, and be placed as a separate theological school under the superintendence of the Protestant Episcopal Church of Ireland; the other, that it should be retained as an integral part of the College, but with certain changes in its constitution.

*Two proposals.*

115. The first proposition has not been urged upon us either by any section of the Irish Church or by the Roman Catholic witnesses who have appeared before us, and we have no reason to suppose that it would be countenanced by the clergy or laity of either of those Churches. In fact it has been urged upon us only in the statement<sup>4</sup> submitted by the Committee on Higher Education of the General Assembly of the Presbyterian Church in Ireland, and by Rev. Dr. MacDermott,<sup>5</sup> who appeared before us on behalf of the committee. We are not convinced that the presence of the Divinity School and of Episcopalian services in the College Chapel has had any deterrent effect on the attendance of Presbyterian students. The smallness of their number is, in our opinion, to be attributed in part to the ancient alienation of the Presbyterians from

*Attitude of  
Roman Catholics  
and Presbyterians  
towards Divinity  
School.*

<sup>1</sup> Report of Lord Belmore's Commission (1878), p. 6.

<sup>2</sup> See Appendix to Final Report, p. 328

<sup>3</sup> 36 Vic. c. 21, Chartae et Statuta, Vol. II., p. 301.

<sup>4</sup> Appendix to First Report, p. 107.

<sup>5</sup> See Appendix to Final Report, p. 72.

## SECTION XIV

the College, but still more to the facts that the number of Irish Presbyterians resident elsewhere than in Ulster is very small, that Belfast has an efficient Queen's College largely frequented by Presbyterians, and that as regards the education of their clergy, the Presbyterian Church is in possession of sufficient equipment for ministerial training in her theological colleges in Belfast and Londonderry.

Objections to  
separation of  
Divinity School  
from College.

116. On the other hand we find that the promotion of virtue and religion was one of the objects of the foundation of Queen Elizabeth—an object the continued existence of which is recognised by the University of Dublin Tests Act of 1873—that the existence of the theological Faculty, which has been long associated with the College, is of high importance not only to the prosperity of the College, but as we believe to the welfare of the Church of Ireland. The School of Divinity has provided a sufficient supply of clergy for this Church without imposing upon it the necessity of establishing any separate theological college, and it yearly contributes many clergymen to the Established Church of England.

117. To the proposal to sever the Divinity School from the College the strongest objections have been expressed both by the authorities of the College and by the General Synod of the Church of Ireland.<sup>1</sup> In the statement<sup>2</sup> laid before us on behalf of that body by a special committee appointed to bring before us the claims of the Church of Ireland upon the Divinity School of the College, the committee say, "In our judgment the high culture and the open air of a University are better for our teachers than the close atmosphere of a theological college." With this view we entirely concur, and we think that it would be highly injurious to the clergy of the Irish Church, and through them to the interests of the Protestant laity of Ireland, to separate the Divinity School from the College.

Recommendation  
XVI.  
Scheme for  
Divinity School.

118. But if the school is thus to be retained as part of the College, it appears to be necessary to define the basis on which it is so to continue, and with that view we *recommend* the following scheme :—

i. That the staff of the school shall remain a constituent part of the College, and that it be declared that the school is one of Protestant Episcopalian Divinity as held by the Church of Ireland.

ii. That no test shall be imposed on students attending the school.

iii. That a special Board shall be constituted for the government of the school to consist of nine persons, viz. :—

The Regius Professor of Divinity.

Archbishop King's Professor of Divinity.

Three to be named by the Board of the College.

One to be elected by all the Professors, lecturers, and assistants in the school.

Three to be elected by the Bishops of the Church of Ireland.

iv. That the special Board shall have cognizance of all questions relating to courses of study and examinations in Divinity, but that the general management of the school and the discipline of its students shall remain with the Governing Body and the other authorities of the College.

v. That the special Board shall elect to the professorships and lectureships in the Faculty of Divinity without change in the bodies from whom they are to be elected, except that in the case of an election to the Regius professorship, Archbishop King's Professor shall not elect, but his place shall be taken by the Archbishop of Dublin, or if he be a member of the special Board, by some other Bishop to be named by him.

<sup>1</sup> Appendix to Final Report, evidence of the Provost (p. 17), and of Lord Justice FitzGibbon, and of Very Rev. Dean Bernard (p. 121.)

<sup>2</sup> Appendix to First Report, p. 84.

vi. That the Archbishop of Dublin shall be the visitor of the school in all matters of doctrine without appeal from his decision in such matters, but that in all other respects the visitor of the College shall be visitor of the school.

SECTION XIV

vii. That the Professors of Biblical Greek and of Ecclesiastical History shall be members of the Faculty of Divinity.

## XV.—THE CHAPEL.

SECTION XV.

119. Questions similar to those relating to the Divinity School have been agitated as regards the Chapel.

120. At the present time no student is required to attend Chapel at any time who is (a) over 21 years of age; or (b) who professes not to be a member of the Church of Ireland; or (c) who may present a request to that effect from his parents or guardians.

Attendance of Students.

121. Having regard to this arrangement as to attendance, and to the presence of Episcopalian Chapels in most of the Colleges of England, and of Presbyterian Chapels in some of those in Scotland, we consider that the existence of the Chapel in Trinity College is no just cause of offence to the students of any or of no religious denomination.

The various religious denominations as affected by the Chapel.

122. With reference to the Chapel, the scheme which we *recommend* is as follows :—

Recommendation A VII.

i. That the Chapel shall remain as at present a place of worship according to the rites of the Church of Ireland.

Future Arrangements.

ii. That the ordinary of the Chapel shall have as at present the right of selecting the preachers therein, and the general supervision of the services.

iii. That if, and when, the Provost of the College be in Holy Orders of the Church of Ireland, he shall be the ordinary of the Chapel; if, and when, he be a lay member of the said Church, he shall be the ordinary, but shall act only after consultation with the Regius Professor of Divinity or Archbishop King's Professor of Divinity; if he be not a member of the said Church, the Regius Professor of Divinity shall be the ordinary of the Chapel.

## XVI.—LAW SCHOOL.

SECTION XVI.

123. The Law School of Trinity College, Dublin, has established a connection with the King's Inns, which regulate the course of study and examination for candidates for admission to the Irish Bar. The usual course so prescribed occupies three years, in the first of which the student, whether he be a Trinity College student or not, must attend the lectures of two of the Professors in the College Law School, one of them being the Professor of Feudal and English Law—the other, such one of the other three Professors as the student may select. The student must also pass the examination held by the Professor after the conclusion of each term, and the annual examination at the end of the year's lectures.

Courses of Study.

124. In the two succeeding years the Law student at the College may complete his studies by attendance at the lectures of the two Professors at the King's Inns, and passing the required examinations. A Law student of Trinity College may complete the first of these two years by attendance at lectures in the College Law School provided he obtains Honours and a Moderatorship in legal and political science.

Relations of College with King's Inns.

125. This co-operation between the King's Inns and the College has the great advantage of avoiding the duplication of examinations and attendance on lectures on the same subjects to satisfy the Inns of Court and the College respectively.

Co-operation advantageous.



## SECTION XVI.

126. Another result of the co-operation of the two schools is that a considerable number of King's Inns students who are not Trinity College students attend lectures, and are examined in the College Law School along with the College students. For example, in the year 1903-4 out of a total class of sixty-nine, twenty-nine were King's Inns students not on the books of the College; and in the two following years the numbers were twenty-seven out of sixty-four, and twenty-two out of sixty-six.<sup>1</sup>

127. These arrangements are in our opinion reasonable and advantageous to the students of Law whether or not members of the College; and the complaints which have been laid before us as to the overlapping of courses in the College and the King's Inns, as to the hours of the lectures and as to the division of fees, are subjects on which it is not needful for us to enter.

## New Honours Course.

128. We notice with satisfaction that in consequence of the reports of University committees in 1901 and 1902, a new Honours course, with Moderatorship in Legal and Political Science was established, and that the professorship of Jurisprudence and International Law, which had been amalgamated with the chair of Civil Law in 1888, was revived, and that since then the courses for the Law degrees have been completely remodelled.<sup>2</sup>

## SECTION XVII.

## XVII.—SCHOOL OF MEDICINE.

## Medical Staff.

129. Amongst the Professors of the School of Medicine are four King's Professors of the practice of Medicine, of Materia Medica and Pharmacy, of the Institutes of Medicine, and of Midwifery, respectively. These Professors are elected, not by the Board of Trinity College, but by the President and Fellows of the Royal College of Physicians of Ireland, and they each receive the sum of £100, Irish, or £92 6s. 2d., English, from the income of the estate of Sir Patrick Dun, of which the College of Physicians are the trustees.<sup>3</sup>

## King's Professors on foundation of Sir Patrick Dun.

130. The will of Sir Patrick Dun was proved in 1713, and the foundation thereby created has been the subject of legislation by the Statutes of the 15th Geo. II. (Ireland), 1741; the 25th Geo. III., cap. 42 (Ireland), 1785; the 31st Geo. III., c. 35 (Ireland), 1791; the 40th Geo. III., c. 84 (Ireland), 1800; the 25th Vic., cap. 15, 1862; and the 30th Vic., cap. 9, 1867. The present position of matters in relation to Sir Patrick Dun's foundation is shortly as follows:—The College of Physicians are still the trustees of Sir Patrick Dun's estate and the electors to the four King's professorships in Trinity College; a hospital known as Sir Patrick Dun's Hospital has been erected and is maintained and managed by a body of Governors, and in this hospital clinical instruction is given by a staff of medical teachers. The estate of Sir Patrick Dun may be estimated to produce £1,000 a year: out of that sum the four King's Professors in Trinity College receive yearly £369 4s. The salary of librarian and clerk and other minor matters absorb a sum of over £100 a year, leaving about £500, which is paid to the Governors of Sir Patrick Dun's Hospital.

## Connection between Trinity College, College of Physicians, and Governors of Sir Patrick Dun's Hospital.

131. The connection thus existing between these bodies—viz., Trinity College, the College of Physicians, and the Governors and staff of Sir Patrick Dun's Hospital, all more or less directly interested in the same estate, has not always been found to work smoothly, and a desire has for some time past arisen for the severance of the tie. In November, 1906, an agreement was arrived at by the two Colleges and the Governors of the Hospital, the terms of which will be found in the joint statement of the

<sup>1</sup> Appendix to First Report, p. 57.

<sup>2</sup> Appendix to First Report, p. 41.

<sup>3</sup> Appendix to First Report, p. 125.

two Colleges.<sup>1</sup> Under this agreement, if sanctioned by Parliament, the right and duty of electing to the King's professorships will be transferred from the College of Physicians to Trinity College; one-half of the estate of Sir Patrick Dun will be transferred to the Governors of the Hospital, a sum which will yearly produce £200 Irish, will be transferred to Trinity College, and the residue of the estate will remain in the hands of the College of Physicians.

SECTION XVII.

132. We think that it will be very beneficial to the College to obtain the right of electing to the four King's professorships, and we are of opinion that the compromise arrived at by the two Colleges is upon the whole a wise one. We therefore *recommend* that the agreement embodied in the joint statement shall receive parliamentary sanction, and that so far as is necessary the existing legislation relative to Sir Patrick Dun's foundation shall be repealed.

*Recommendation*  
*XVIII.*  
Adoption of  
scheme agreed  
on by the  
parties concerned.

## XVIII.—PROFESSORSHIP OF IRISH.

SECTION XVIII.

133. Our attention has been drawn to the character of the foundation of the professorship of Irish, and as considerable misapprehension appears to exist in reference to it, we think it best to state shortly the relevant facts.<sup>2</sup>

Foundation.

134. In or about the year 1838 certain noblemen and gentlemen, thinking it desirable that a professorship should be founded in the "native Irish or Erse language" collected a fund which was ultimately invested in the purchase of £875 of stock of the Bank of Ireland in the names of the Provost, Fellows, and Scholars of the College, and communicated with the Board of the College. That body on the 5th July, 1838, resolved as follows<sup>3</sup> :—

Decree of Board.

"That a Professor of the Irish Language be appointed on the following conditions.

"The trustees of the fund raised for founding said professorship to vest in Government securities in the name of the Provost, Fellows and Scholars of Trinity College all the sums that they have collected or may hereafter for the purpose specified.

"That the trustees shall nominate to the Board the person whom they think fit to be the Professor, and that the Board shall have the full power of accepting or rejecting such nomination. In the case of a rejection that the trustees shall nominate again and successively until an appointment be made.

"That the Board shall have full control and power over the Professor so nominated and elected as they have over other Professors.

"That the trustees pledge themselves to vest a sum that will yield seventy pounds sterling per annum interest for the Professor, to which the College shall add thirty pounds a year, with rooms, and twenty pounds annually for premiums."

135. On the 21st November, 1840, and before the whole fund had been raised, the Board, on the nomination of the trustees of the Fund, elected the Rev. Thomas De Vere Coneys to be the first Professor of Irish.

First Professor.

136. By an Indenture of the 4th March, 1843,<sup>3</sup> the terms expressed in the resolutions of the Board of the 5th July, 1838, were formally developed, and three of the subscribers were appointed to be the trustees of the professorship, and provisions were introduced to maintain a body of three trustees of the professorship, to enable the Provost and Senior Fellows to elect without the nomination of the trustees in case they neglected or declined to nominate within six months of the vacancy occurring; and to direct that, in the event of the default of the Provost and Senior Fellows for a further six months, the professorship should come to an end, and the fund should thereupon be transferred to the trustees of "the Society for promoting the education of the poor in Ireland through the medium of their native language" to forward the objects of that Society. By this Deed the College agreed to contribute £30 a year in augmentation of the

Indenture.

<sup>1</sup> Appendix to Final Report, Document No. XXXII.

<sup>2</sup> Appendix to Final Report, Evidence of Mr. McNeill and Mr. Rolleston (p. 207 *et seq.*), and of Rev. J. E. H. Murphy, M.A. (p. 218).

<sup>3</sup> Appendix to Final Report, Document VI., p. 329.

**SECTION XVIII.** annual salary of the Professor, and £20 a year to be distributed in premiums on the recommendation of the Professor, and further to provide the Professor with chambers in the College for his residence.

The Professorship not associated with a denominational object.

137. It will be observed that neither in the resolutions nor in the deed is there any indication of an intention to associate the professorship with any ecclesiastical or denominational object, that there is no limit on the persons from whom the Professor may be chosen, and that the Board have an unlimited right of rejecting the nominees of the trustees.

138. The ultimate trust of the fund in case of the cesser of the professorship, lends probability to the suggestion, that the donors of the fund were interested in a Protestant Society for the Scriptural education of the poor in Ireland through the medium of their own language; but, if so, they did not infuse into the trust they created any sectarian or religious colour.

139. Under the terms of that deed the present Professor of Irish, the Rev. J. E. H. Murphy, has been twice elected on the nomination of the trustees and twice by the Board in default of nomination by the trustees.<sup>1</sup>

Prizes connected with Divinity School.

140. The committee of the Irish Society, with the approval of the Provost and Senior Fellows, founded two scholarships denominated the Bedell scholarships, to be awarded to students attending the Divinity lectures in the College, who give reasonable hope that they will be competent on their ordination to preach in the Irish Language.

141. In 1852 a prize for the encouragement of the study of the Irish Language was founded in commemoration of the Right Rev. Samuel Kyle, formerly Provost of the College, and is attainable only by Divinity students.

142. It thus appears that whilst the professorship is entirely disconnected with the Divinity School, the scholarships and some of the prizes which should give vigour to the study of that language are connected with it, a fact which has probably tended to discourage the attendance at the lectures of the Professor of students not intended for the Protestant Ministry.

Celtic Philology.

143. The Professor of Sanskrit and Comparative Philology is announced in the Calendar as lecturing in each term in Celtic Philology.<sup>2</sup> We find, however, that for the last three years no student has come to the Professor for lectures or instruction in any branch of Celtic Philology.<sup>3</sup>

144. Considering the great interest for the people of Ireland of their original language, literature, and archæology, and the fact that Trinity College is the custodian of a large body of Irish MSS., very many of which remain unedited, we are of opinion that further encouragement ought to be given to these studies within the walls of the College.

*Recommendation XIX.*

145. The course which we *recommend* with the view of further promoting the study of the Gaelic Language and native antiquities of Ireland is as follows :—

Establishment of Scholarship, Professorship, &c.

i. The establishment of a scholarship and a moderatorship in Irish (ancient and modern) and Celtic Philology.

ii. The temporary establishment of a whole-time professorship and also of a lectureship in the Irish Language and Literature (ancient and modern), the holders of these chairs being expected to devote all their time not occupied in teaching, to the study and, if possible, to the editing of such of the Irish MSS. of the College as are worthy of such labour, their offices to continue till the next avoidance of the existing chair of Irish in the University.

<sup>1</sup> Appendix to Final Report, Evidence of Rev. J. E. H. Murphy, q. 3525, p. 219

<sup>2</sup> University of Dublin, Calendar for 1906-7, p. 127.

<sup>3</sup> See Appendix to Final Report, Document No. IX., p. 337.

iii. On the happening of that event the University shall make such arrangements as will secure the maintenance of two full-time professorships in Irish subjects, and will provide for adequate instruction and research in Irish philology, literature, and archæology. SECTION XVIII.

iv. That the Professor of Sanskrit and Comparative Philology shall no longer be expected to lecture on Celtic Philology.

146. Irish History is a subject to which we *recommend* that special attention shall be given when the University has occasion to revise and extend her scheme of historical study. Recommendation  
XX.  
Irish History.

#### XIX.—OBSERVATORY.

SECTION XIX.  
Astronomy.

147. During the course of our inquiries our attention has been drawn to the astronomical Observatory of the College situated at Dunsink, about five miles from the College, which we find to have been erected and equipped in part by means of a sum left for that purpose by Provost Andrews, and partly out of the funds of the College.<sup>1</sup>

148. By the King's Letter of 1792<sup>2</sup> it was ordained that there should be established a Professor of Astronomy, to be called the Royal Astronomer of Ireland, on the foundation of Doctor Francis Andrews. The Professor's lectures are open to the public, and no fees are paid for entrance. The Observatory, owing to its distance from the College, offers little or no advantages to its students. Certain clocks in Dublin are supplied with accurate information by the time-service from the mean-time clock at the Observatory, and much of the research work carried on there is undertaken at the special request of the directors of the Nautical Almanac, and is therefore of national value. Royal Astronomer  
of Ireland.

149. The Observatory is maintained as to £250 by the income of the Andrews endowment and as to £800 or £1,000 out of the general funds of the College.<sup>1</sup> The Observatory at Greenwich is entirely supported by the nation, and the Royal Observatory at Edinburgh is largely supported by Government funds. The suggestion that Trinity College, Dublin, has an equitable claim to some assistance from the Treasury in respect of this Observatory appears to us not unreasonable, and we *recommend* it to the consideration of your Majesty's Government. Recommendation  
XXI.  
Assistance from  
State.

#### XX.—THE PROVISION MADE FOR POST-GRADUATE STUDY AND THE ENCOURAGEMENT OF RESEARCH.

SECTION XX.

150. The only special provision in the College for the endowment of post-graduate study or for the encouragement of research is afforded by the FitzGerald Memorial scholarship and medal.<sup>3</sup> A fund of £1,600 was collected and invested, a part being allocated to an endowment of a scholarship for the encouragement of research in Physical Science by students who have obtained the B.A. degree of the University, and who during the term of the scholarship are to carry on research in the Physical Laboratory of the College, and to take part in the practical instruction of students therein, and the residue to found a medal to be awarded to students for research work carried out in the Physical Laboratory of the College. FitzGerald  
Memorial.

151. We learn with much satisfaction that, as a result of a public effort, a new laboratory for the School of Experimental Physics has just been completed; that the accommodation for the School of Botany will be largely increased, and that the School of Geology and allied sciences will shortly receive some extension of room.<sup>4</sup> New Buildings.

<sup>1</sup> Appendix to Final Report, Evidence of Professor Whittaker, pp. 69, 70. Also Lord Rosse's Statement, Document No. XII. p. 344.

<sup>2</sup> Chartae et Statuta, Vol. I., p. 194.

<sup>3</sup> University of Dublin, Calendar, 1906-7, p. 154.

<sup>4</sup> Appendix to First Report, p. 31, *et seq.*

## SECTION XX

Recommendation  
XXII.Courses of  
research ; degrees  
for research.

152. We are of opinion that some more definite encouragement of post-graduate study and of research is essential to the full life of such an academic body as Trinity College, and without attempting to go into details we *recommend* that opportunity shall be given to some of the Probationary Fellows and to graduates of Dublin and other Universities under proper conditions as to residence or supervision, to pursue courses of independent research, whether in literary or scientific subjects, and that by way of further encouragement degrees shall be awarded for research in the University, following, so far as may seem desirable, the arrangements in that respect of the Universities of Oxford, Cambridge, Edinburgh, and London.

Recommendation  
XXIII.  
Research Fund.

153. If these suggestions should be adopted it will evidently be necessary to establish a special fund in aid of research, and, though external help may be necessary, we *recommend* that attention shall be given to the point when the whole financial position of the College is considered.

Publications of  
College.

154. We feel bound to add that in spite of the absence of special endowment for original research, the publications made from time to time by both the elder and younger members of the College show that much admirable and original work, and some of the very highest character, owes its inspiration to the College.

## SECTION XXI.

## XXI.—POWERS TO MAKE ORDINANCES.

## King's Letter.

155. The original charter of the 34 Elizabeth gave to the Provost and Fellows the power from time to time to make laws, statutes and ordinances for the faithful and pious government of the College.<sup>1</sup> The charter of the 13 Charles I. took away this power, and reserved to the King and his heirs and successors the power of making laws for the government of the College, "*cum assensu et consensu eorundem praepositi, sociorum, et scholarium.*"<sup>2</sup> This power has from time to time been acted upon by the issue, on the petition of the College, of a King's or Queen's Letter introducing changes into the constitution of the College.

156. In our opinion this mode of procedure is cumbrous and inconvenient, and we think that a power to make ordinances should be restored to the College.

Recommendation  
XXIV.  
Power of making  
ordinances to be  
restored.

157. We, therefore, *recommend* that there shall be given to the Governing Body of the College, with the assent of a majority of the Fellows of the College, the power to make ordinances for the government of the College not inconsistent with the fundamental statutes or charters of the University and College and the laws of the land, provided :

- i. That the allowance of His Majesty in Council, or of a committee of the Privy Council in Ireland, be required to their validity.
- ii. That ordinances relating to degrees, studies, and examinations be not made without consulting the Academic Council.
- iii. That ordinances relating to the powers of any officer or authority be not made until such officer or authority has had an opportunity of being heard.

158. If this recommendation be accepted, Trinity College would from time to time be governed first by its fundamental statutes or charters; secondly, by ordinances made by the Governing Body, with the assent of a majority of the Fellows and allowed by His Majesty in Council; and lastly, by any bye-laws or regulations validly made by the Governing Body which would, of course, require to be consistent with the statutes, charters, and ordinances for the time being in force.

<sup>1</sup> *Chartæ et Statuta*, Vol. I., p. 7.

<sup>2</sup> *Ibid.*, p. 15.

## XXII.—RESIDENCE.

## SECTION XXII.

159. At the present time it is permitted to students to obtain degrees in the University of Dublin by passing examinations only, without residence or attendance at lectures in the College. It appears probable that about ten per cent. of the graduates obtain their degrees solely by examinations, and that the number of such candidates for degrees is decreasing. We concur with those members of the College staff who have appeared before us and urged that this exceptional method of graduation should be abolished, and we *recommend* that no candidate shall be admitted for graduation unless after study for some specified period within the College or an equivalent attendance at lectures given by teachers recognised by the University. In our opinion the permission now granted to graduate as external students tends to interfere with the character of the degrees and with that collegiate life which is the leading feature of Dublin University.

*Recommendation  
XXV.*

Attendance at  
lectures to be  
compulsory.

## XXIII.—WOMEN STUDENTS.

## SECTION XXIII.

160. In pursuance of the resolutions of the Board of 21st March, 1903, and of the authority granted or confirmed by His Majesty's Letter of December, 1903,<sup>1</sup> women are now admissible to all lectures, examinations, and degrees in Arts and in the Medical School, but not to fellowships or scholarships. The teaching of men and women in the College is in common, except that a separate anatomical department has been set apart for women in the Medical School. The resolutions above referred to provided in certain cases for lectures being given to women in a separate building outside the College.

Existing  
regulations.

161. A lady has subsequently been appointed to a new office, that of Registrar of women students, whose duty it is to give assistance to women students if any matter arises upon which they feel difficulty.<sup>2</sup>

162. We think that for the success of the co-education of men and women in a great city like Dublin a watchful care is required, and we *recommend*—

*Recommendation  
XXVI.*

Office of Lady  
Registrar to be  
permanent.

i. That the office of Lady Registrar of women students shall be made permanent, and that she shall be entitled as in right of her office to communicate with the Provost and the Governing Body.

ii. That no woman student shall commence residence under the age of seventeen, nor unless she satisfies the Registrar of women students that she is a person suitable for admission.

Age limit for  
students.

163. There is no doubt in our minds that there exist many parents in and about Dublin who prefer for their girls an education in Colleges exclusively for women to co-education in mixed classes; and it is in our opinion of importance that the wishes of such parents should be consulted. We believe that without injury to its other means of usefulness, Trinity College can be made an organ for promoting the higher education in Colleges of the former kind, and with this view we *recommend* that the Governing Body shall be invested with a power to recognise individual teachers in any public College for women in Dublin or within thirty miles of Trinity College, the attendance at the recognised courses of lectures by whom shall be accepted as equivalent to attendance at lectures on the same or the like subject within the walls of the College: but so that no teacher shall be recognised unless it be proved to the satisfaction of the Governing Body that his or her lectures are of a University standard, and that he or she is furnished with all such books, appliances, and apparatus as may be necessary or proper for the instruction given. In case of the recognition of such lecturers, there should be a remission of part of the tutorial fees by the College.

*Recommendation  
XXVII.*

Recognition of  
outside teachers.

<sup>1</sup> Calendar of the University of Dublin, 1906-7, p. 72.

<sup>2</sup> Appendix to Final Report, Evidence of Miss Gwynn, p. 113.

164. We cannot but express our hope that, if such a power be given, it may, if possible, be exercised.

## SECTION XXIV.

## XXIV.—MODE OF CARRYING RECOMMENDATIONS INTO EFFECT.

*Recommendation*  
*XXVIII.*  
Executive  
Commission.

165. In preparing this Report we have not thought it necessary or desirable to enter into such details as would be required in actual legislation for the reform of the College, but we venture to *recommend* that if our proposals be adopted, they shall be carried into effect by an Executive Commission invested with power to make statutes and orders after consultation with the Fellows and Professors of the University and College, and that the same, when made, shall be laid before both Houses of Parliament, and shall not be valid until approved by Your Majesty in Council.

166. It is obvious that if the recommendations contained in this Report be carried into effect, it will become necessary to reconsider the whole financial position of the College, and to frame a new scheme for the application of its income, when an opportunity would be afforded to consider the claim of the Scholars of the College to some increase of their stipends,—a subject upon which we have not thought it necessary to form an opinion.

## SECTION XXV.

## XXV.—CODIFICATION.

*Recommendation*  
*XXIX.*  
Statutes : revised  
Code.

167. If the changes suggested in this Report be adopted, we further *recommend* that the occasion shall be used for a codification in the English language of the very numerous and complicated Statutes, King's Letters, and Decrees which now govern the College.

## SECTION XXVI.

## XXVI.—GENERAL CONCLUSIONS AND RECOMMENDATIONS.

Summary of  
conclusions.

168. The following is a summary of our principal conclusions and recommendations :—

(1.) That Trinity College has been and is a satisfactory organ for the higher education of the Protestant Episcopalian population of Ireland, but that it has never been, and is not now, to an extent adequate to the reasonable requirements of the country, an organ for the higher education of the Roman Catholic population. (*Paragraphs 20 and 26.*)

(2.) That while the Commissioners are divided in opinion in regard to the merits of the various schemes proposed to them involving the creation of a new College in Dublin acceptable to Roman Catholics, they, with one exception, recommend the establishment of such a College in Dublin. (*Paragraph 40.*)

(3.) That it is impossible to recommend any such changes in the constitution of Trinity College as would render it acceptable to the Roman Catholic Episcopate. (*Paragraph 34.*)

(4.) That there shall be included in the Statute or Charter regulating the future constitution of Trinity College, express powers to make certain special arrangements for Roman Catholics, Presbyterians, Methodists, and other religious bodies. (*Paragraph 37.*)

(5.) That in the event of a new College being founded in the University of Dublin or in the Royal University, there shall be power to establish a system of intercollegiate co-operation between that College and Trinity College. (*Paragraph 44.*)



(6.) That the Board or Governing Body of Trinity College shall ultimately consist of not more than fifteen nor less than nine members, who shall be approximately divided as follows :—One-fourth to be the Provost and other *ex-officio* members; one-half to be elected by Fellows and Professors voting together, from among the Fellows; and the remaining fourth to be elected in the same way from among the Professors who are not Fellows; and that various standing and other committees shall be appointed for conducting the business of the College. (*Paragraph 79.*)

(7.) That the existing Council shall be abolished, and that in its place there shall be substituted an Academic Council and Boards of Studies; that the professors and lecturers in each Faculty shall constitute a Board of Studies for that Faculty; and that the chairmen and vice-chairmen of the several Boards of Studies, together with the Provost, shall constitute the Academic Council; that it shall be the duty of the Boards of Studies to report to the Academic Council on all matters pertaining to the Faculties; and that it shall be the duty of the Academic Council to report on these matters to the Governing Body. (*Paragraph 80.*)

(8.) That the income of the College has been faithfully administered; that at the same time, certain suggestions (made by the firm of Chartered Accountants employed by the Commission) for the centralisation of the financial work of the College and for the simplification of its accounts are highly important and should receive the attentive consideration of the authorities of the College. (*Paragraph 51.*)

(9.) That a chartered accountant shall be employed as external auditor of the accounts; and that a summary of the accounts shall be published annually. (*Paragraph 79, v.*)

(10.) That no change shall be made as to the constitution or powers of the Senate. (*Paragraph 81.*)

(11.) That ultimately the present distinction between Junior and Senior Fellows shall cease, and that the total incomes of the Fellows shall be arranged on a more equitably graduated system. (*Paragraph 101.*)

(12.) That it shall be permissible for a candidate at the ordinary annual fellowship examination to present for consideration any dissertation or published or unpublished work; that the Governing Body shall elect the candidate who in their judgment is best fitted for a fellowship in the College, but it shall not be incumbent on them to make any election; that election shall be for three years, during which period the Fellow shall remain a Probationary Fellow, and that at the end of that period he shall be eligible for a full fellowship without examination. That the tenure of a full fellowship shall be until death, retirement, incapacity, or grave fault. (*Paragraph 103.*)

(13.) That a fixed number of fellowships, terminable with the office, shall be assigned to Professors. (*Paragraph 104.*)

(14.) That the Governing Body shall have the power of electing, without examination, to an occasional fellowship, any person whom they desire to employ in the educational service of the College. (*Paragraph 105.*)

(15.) That the whole body of Fellows shall have a power to make formal representations to the Governing Body about important questions of policy or administration. (*Paragraph 106.*)

(16.) That the scope of studies in Trinity College might with advantage be widened in many directions. (*Paragraph 91.*)

(17.) That the public examinations in Trinity College are too numerous. (*Paragraph 92.*)

## SECTION XXVI.

(18.) That the appointment to each of the more important professorships shall be made by an electoral Board selected from without as well as from within the College, the minor chairs to be filled by election by the Governing Body after receiving the recommendations of the respective Boards of Studies; that the tenure of professorships shall be until death, retirement, incapacity, or grave fault. (*Paragraph 109*).

(19.) That certain limits of age for optional and compulsory retirement shall be fixed for Fellows (in respect of offices held by them), Professors, lecturers and other officers. (*Paragraph 110*).

(20.) That a system of retiring pensions shall be instituted. (*Paragraph 111*).

(21.) That a revised scheme of government for the Divinity School shall be adopted. (*Paragraph 118*).

(22.) That the Chapel shall remain as at present; that the ordinary shall be the Provost, except when the latter is not a member of the Church of Ireland, in which case the ordinary shall be the Regius Professor of Divinity. (*Paragraph 122*).

(23.) That the co-operation between the King's Inns and Trinity College in regard to the Law School has been of advantage. (*Paragraph 125*).

(24.) That, as regards the Medical School, effect shall be given to the agreement embodied in the Joint Statement of the Board of Trinity College and the President and Fellows of the College of Physicians, as submitted to the Commission. (*Paragraph 132*).

(25.) That further encouragement shall be given to the study of the Irish language and cognate subjects, and that for this purpose a scholarship, a moderatorship, and two full-time professorships shall be established. (*Paragraphs 145 and 146*).

(26.) That the question of a grant-in-aid of the Observatory is worthy of the consideration of His Majesty's Government. (*Paragraph 149*).

(27.) That encouragement shall be afforded for research, and that special courses for degrees for research shall be established. (*Paragraphs 152 and 153*).

(28.) That the Governing Body, with the assent of a majority of the Fellows, shall have the power to make ordinances for the government of the College, subject to certain conditions. (*Paragraph 157*).

(29.) That no candidate shall be admitted to graduation unless after study for some specified period within the College, or an equivalent attendance at lectures given by teachers recognised by the University. (*Paragraph 159*).

(30.) That the office of Lady Registrar of Women Students in Trinity College shall be made permanent, and that no woman student shall commence residence under the age of seventeen, nor unless she satisfies the Lady Registrar as to her suitability for admission. (*Paragraph 162*).

(31.) That the Governing Body shall be empowered to recognise teachers in any Colleges for women in Dublin or within thirty miles of Trinity College. (*Paragraph 163*).

(32.) That the recommendations of this Commission shall be carried into effect by an Executive Commission. (*Paragraph 165*).

(33.) That the Statutes, King's Letters, and Decrees of the College shall be codified in the English language. (*Paragraph 167*).

## XXVII.—CONCLUSION.

### SECTION XXVII.

169. We desire to place on record our high appreciation of the courtesy with which we were received by the Provost of Trinity College, and the sense of obligation which we feel to all the persons who have appeared before us or who have furnished us with statements, for the fulness of the information they have afforded us, and for the evident desire of all to assist us in our inquiries to the utmost of their abilities. It is largely to this cause, and especially to the speed with which the Provost and other authorities of Trinity College furnished replies to the various inquiries we made of them, that we are now able to present this Report to Your Majesty.

Assistance  
rendered to the  
Commission.

170. Mr. J. D. DALY has discharged the duties of Secretary with great ability and industry, and we desire publicly to tender to him our hearty thanks for his admirable services.

171. All of which we most humbly submit to Your Majesty's gracious consideration.

EDW. FRY, <i>Chairman</i> .	(L.S.)
C. PALLES.	(L.S.)
T. RALEIGH.	(L.S.)
ARTHUR W. RÜCKER.	(L.S.)
HENRY JACKSON.	(L.S.)
S. H. BUTCHER.	(L.S.)
DOUGLAS HYDE.	(L.S.)
DENIS J. COFFEY.	(L.S.)
S. B. KELLEHER.	(L.S.)

JAMES DERMOT DALY,  
*Secretary.*

DUBLIN. Dated this twelfth day of January, 1907.

## NOTES APPENDED TO THE REPORT.

### No. I.

#### NOTE BY SIR EDWARD FRY, SIR ARTHUR W. RÜCKER, AND MR. S. H. BUTCHER.

We have considered to the best of our ability the claims of the three schemes—the addition of a single new College acceptable to Roman Catholics to the University of Dublin (which we will call the two College Scheme), the conversion of the University of Dublin into a federal University with four or five affiliated or constituent Colleges—viz., Trinity College, a College acceptable to Roman Catholics to be established in Dublin and the Queen's Colleges of Belfast and Cork and perhaps also of Galway (or the four College Scheme), and lastly the erection of a new College acceptable to Roman Catholics in the Royal University reconstituted on the lines indicated in the Final Report of the Commission of 1901, and containing as other constituent Colleges, Belfast, Cork and Galway (or the Royal University Scheme).

The formation of a second College within the University of Dublin has been proposed from time to time from a very early date in its history, but none of these proposals has ever been realised, and Trinity College and the University have existed practically as one body—whatever may be the exact legal relation of the two bodies or the proper description of the one body.

Trinity College, Dublin, has thus ever since its foundation by Elizabeth existed as a self governing body; it has never been controlled by the decrees of any higher power except the Crown; it has determined its own curricula, and it has granted its degrees upon its own terms. The success of the College has been achieved under this autonomous system; and however successful other Universities founded on other principles may be, we feel that it would be a dangerous expedient to deprive the College of its ancient character of independence, and to convert it into a mere College of a University of a different character.

If a second College were created in the University of Dublin, it is evident that the Governing Body of the University would have to comprise representatives of these two Colleges, and there is at least good reason to fear that the jealousies of religion and race which in other fields tend to mar the work of education in Ireland would reappear, and that offices would be given not to the best man but to the best man only of the Protestants or the Roman Catholics according as it was the turn of the one or the other; and we do not think that the danger would be removed by giving a large voice to the Crown in the appointment of the Governing Body; for it is probable that the Ministers of the Crown would act in the future as they have so often done in the past and select their nominees with a view to equate the one religion with the other. In a word we can find no means by which to secure a Governing Body in which academic merit and fitness are to be the sole conditions for appointment.

The Irish Roman Catholic Bishops appear in the statement which they sent to us to contemplate without fear the intercourse of students of the same University but of different Colleges. If that intercourse were confined to the Examination Halls it would amount to little or nothing; if it were frequent in the lecture rooms and laboratories and in the social meetings of students, it would, no doubt, be held to be perilous to faith and morals. The evidence of the Rev. Dr. Delany, the President of Uni-

versity College, Dublin, upon this point does not encourage the notion that the laboratories and the lecture rooms of the professor could be used in common by Trinity College and the new College for Roman Catholics.

If the existing professors should cease to be professors in the College, and should become professors in the University, whose lectures would be open to students from whatever College,—their appointment must rest with the Governing Body of the University; and, here again, we are convinced that choice would not be made on merits alone without regard to religious profession. Nor can we see that the College has so far failed to perform its duties, as regards its professorships, as to make it just to take these away from the College and give them to a new institution.

Another very important consideration is the state of feeling on the part of the two bodies whom it is proposed to unite, not for the performance of a single act, but for daily work together. In Trinity College we find an all but unanimous feeling of hostility on the part of the Fellows both Senior and Junior to the proposed creation of a new College side by side with their foundation. To compel an ancient and proud Corporation into a close and continuing union, repugnant to the strong feeling of its members, must, at the best, be a dangerous experiment. It is an experiment which cannot succeed if the union be opposed not only by one but by both parties to it.

The Rev. Dr. Delany is the most important witness whom he have had before us as representing the higher Roman Catholic Education in Ireland. He was first appointed President of University College, Dublin, twenty-three years ago, and after an interval of nine years still holds that office, and he has for twenty-one years been a member of the Senate of the Royal University; he has stated his opinion that the Roman Catholic Church in Ireland, as a whole, would very much prefer affiliation to the Royal University to connection with the University of Dublin. In that view he entirely concurred, and in answer to questions as to his reasons for his preference, he said:—

"My reasons are partly religious, but still more educational. Partly religious in that in connection with the University of Dublin we come into contact with a University, all of whose traditions and whose whole existence has been an act—well, I was going to say of war, but certainly of hostility to the Catholic Church; it was founded to subvert the Catholic Church in Ireland expressly. . . . I do not think it is desirable that we should be, as Catholics, connected with an institution to which the feelings of the people at large are hostile, where there are strong feelings amongst the people at large against the institution itself as being identified with things they dislike. On the contrary, with regard to the Royal University, they have no such feelings, because it is of recent origin, started for the express purpose of doing something for Catholics—to lead to something more. . . . I have been a member for twenty-one years [of the Senate of the Royal University], I am a member of the Standing Committee also, which has practically the government of it. That is the first point. The scheme of education, then, is more suited to the wants of the country. In Trinity College the education is mainly classical or mathematical; it began as a mathematical College, an offshoot from Cambridge, and mathematics have predominated always in its studies. It is chiefly by mathematics more than anything else that its eminent men have attained distinction; the men known through Europe were chiefly the mathematical men of Trinity College. We want in Ireland not merely the ancient learning. Mathematics and classics will, I hope, always hold an honoured place in the cultivation of the intellect—but we want also an education suited to the economic needs of the people. We want for our young men—the country is full of talent—education, for instance, in modern languages, which is very much neglected in Trinity College. We want education in the applied sciences—education in agriculture, education in commerce—not the technical education which is given in a technical school, but the higher training in technics and in applied science which would be given in teaching the principles in a University. We are freer in the Royal University to do that; we are not tied by traditions. The persons governing have not grown old in the ways of one institution; we are open to suggestions, hence we have made our course very elastic."<sup>1</sup>

To force a union not for a single action, but for continuous life between two Colleges of which one would be supported and the other viewed with disfavour by the highest educational authorities of the Roman Catholic Church; which would be in possession of equal powers in the government of their common University, though one had for three centuries

<sup>1</sup> Appendix to Final Report, page 271.

enjoyed sole control while the other would be a new foundation;—Colleges too which would probably have, and might legitimately have, different aims and objects, appears to us most unwise. Even an Act of Parliament cannot compel persons to live and work harmoniously together.

If the youth of the two great religious bodies in Ireland could be educated in one College or spread indifferently over several Colleges in one University we should have the greatest hope of the result; but to form a University of two Colleges—one of the one denomination and the other of the other—seems to us to be the establishment of two armed and hostile camps in immediate neighbourhood to one another, and to make not for peace, but for discord.

Many of the Roman Catholic laity would, we believe, welcome admission to Trinity College as a place of mixed education. But the Hierarchy of the Church have shewn no sign of yielding on this point: and any scheme for present union seems out of the question, and we therefore turn to consider what provision can be made for possible co-operation in the future. If Trinity College and the University of Dublin be invested, as we think they ought expressly to be, with extensive and liberal powers for the recognition of teachers and courses of studies in the new College in the Royal University and for entering into various arrangements for work in common, and if similar powers be conferred on the new College,—it is possible that hereafter these powers may be exercised, perhaps at first tentatively and to a small extent, but afterwards upon a larger scale. We think that a friendly working arrangement is much more likely to arise in the future from the exercise of these powers than from a present compulsory union of two mutually repellent bodies.

On the score of expense, we believe that there will be little or nothing to choose; for the chief item would, no doubt, be the equipment of adequate experimental laboratories, and unless Trinity College is to be despoiled of her possessions, we do not see how expense can be saved by the one scheme rather than the other. The Roman Catholic students will probably not learn under Protestant teachers in the laboratories, and the notion that one set of apparatus can be used by two sets of teachers appears to us entirely impossible. We cannot but hope that some arrangement might be come to by which the laboratories of the Royal College of Science could be made available for the students of the new College, and this could be done as well from the Royal University as from the University of Dublin.

Whilst the University of Dublin appears to us to offer a very unfavourable soil in which to establish a new College for Roman Catholics, the Royal University seems to offer a better hope for success. It has a governing body comprising representatives of the chief religious denominations in Ireland, which we are assured has worked and is working smoothly and well: there are Professorships with an endowment from the State in the form of Fellowships, held almost exclusively by Roman Catholics, and there already exists a Roman Catholic College (University College, Dublin), in which these Professors teach, and which might perhaps admit of enlargement and transformation into the required institution for Roman Catholic students.

Moreover, in the report of the Commission of 1901, we have a carefully elaborated scheme for the conversion of the Royal University into a teaching University, of which the Commission propose that one of the constituent Colleges should be a new College for Roman Catholics, to be established in Dublin, and to be constituted on the lines suggested in their final Report (p. 58).

Shortly before his death, the late Monsignor Molloy addressed to the *Irish Independent* newspaper a remarkable letter in which he dealt with the four schemes of a University for Catholics, a new Constitution

for Trinity College, which would make it acceptable to Catholics, a new College for Catholics under the University of Dublin, and a new College for Catholics under the Royal University, and having disposed of the first as too good to be hoped for, and of the second as not good enough, he proceeded to discuss the two remaining alternatives under two aspects—the practical and the educational—in a passage which appears to us worthy of all consideration, not only from the high position of the writer in Roman Catholic educational affairs, but also from its reasonableness and vigour.

He says :—

“From the practical point of view, it seems clear that the Royal University scheme proceeds on the lines of least resistance. In the first place, it has been recommended, as I have said, by the Royal Commission of 1901; whereas, the Dublin University scheme has not been recommended by any Commission, nor by any person authorised to speak on the part of the University. Certain reforms of Trinity College, as a College, have indeed been suggested. But no proposition has been made to give to Catholics an equal voice in the government of the University of Dublin, such as they practically possess in the government of the Royal University.

“Again, the Royal University scheme would involve no serious disturbance of existing institutions. It would mean only the enlargement of the powers of the Royal University Senate, a body that already controls the education of three fourths of the University students of Ireland. This body has existed now for just a quarter of a century as a mixed examining board, having Colleges associated with it, some of which are denominational, others undenominational. It has a large number of Fellows, whose function it is to conduct the examinations of the University and to teach in the Colleges. The change of such an institution into a teaching University, with constituent Colleges, as recommended by the Royal Commission, would be a simple natural process of growth and development.

“Far otherwise is the case with the University of Dublin. For three centuries it has been a University with a single College; University and College alike being Protestant in their foundation, Protestant in their history, Protestant in their spirit and their traditions. In these circumstances, to create a new Governing Board for the University of Dublin, on which Catholics and Protestants would sit in equal numbers, as they do on the Senate of the Royal University, would involve a serious wrench in its character and constitution, which, I feel assured, would be strongly opposed both by the authorities of the University, and by the Protestant community generally. Add to this, that the University of Dublin and Trinity College, however they may be distinguished theoretically, one from the other, have been so woven together into a common web in the course of their history, that it would now be a very difficult task to pick out the threads that constitute the University, and leave intact the threads that constitute the College.

“The educational aspect of the question is more open to difference of opinion. There is a great attraction, an inexpressible charm, about an ancient seat of learning. It has its roll of illustrious men, whose names are held in veneration, and whose praises resound from generation to generation of students. It has its public halls, its libraries, its museums, standing monuments of the generosity of past benefactors. It has its festivals and anniversaries, its games and sports, its literary and philosophical debates, its academic stories, grave and gay, which never seem to grow stale. It is the great treasure-house of knowledge to which the young look forward with eager expectation, and the old return to revive the memories of youth.

“Such an institution is the ancient University of Dublin, with its one College of the holy and undivided Trinity. I honour the sentiments of those amongst us who would gladly see the new College for Catholics associated with the glories of one or the other, or of both. But I must frankly say that I do not share these sentiments. The charm and the attraction of an ancient seat of learning are a possession peculiar to itself; they can not be imparted to other institutions. For my part, I do not desire to see the new Catholic College as a foreign graft on an ancient tree, but rather as a healthy sapling, growing up from its own roots, racy of the soil, and full of the vigour and promise of youth. If it wants prestige, let it make a prestige for itself by the genius of its sons. If it wants the traditions of learning and fame, let it enter into its own rightful inheritance, and cherish the traditions that have come down from the distant past, when the ancient schools of Celtic Ireland shone out as bright beacons of light to Western Europe.”<sup>1</sup>

We now turn to the four College scheme, which has been put before us especially in the statement and oral evidence of Lord Dunraven. This scheme appears to us to present almost all the same difficulties as the two College scheme, with the additional difficulties which attach to the federation of Colleges. But if the plan had greater merits than it appears to us to possess, the unanimous opposition to it of every one of the existing bodies, and of those who would be interested in the new College, appears to create a fatal objection. Trinity College rejects it. Lord Justice

<sup>1</sup> Appendix to Final Report Document No. LXXXIX.



FitzGibbon, in refusing to accept it, speaks probably the general voice of his Protestant brethren. Mr. O'Reilly expressing, as he believes, the opinion of the great mass of the Roman Catholic laymen of Ireland, considers it the worst of all proposals and intrinsically impracticable. The Rev. Dr. Delany, who may be taken to represent the higher Roman Catholic teachers in Dublin, reprobates it. The Rev. Dr. Hamilton speaking for Belfast, Dr. Windle for Cork, and Dr. Anderson for Galway, are unanimous in their disapproval; and if possible still more important is the condemnation unanimously passed upon the scheme by the Senate of the Royal University at a large meeting of that body, which probably more thoroughly represents the higher education in Ireland outside Trinity College than any other body in Ireland.

At a meeting of the Senate held on the 25th October, 1906, the following resolution, moved by the Rev. Dr. Delany, and seconded by the Most Reverend Dr. Healy, Roman Catholic Archbishop of Tuam, was passed unanimously :—

“That in the judgment of the Senate of the Royal University, it would be disastrous to the interests of education in Ireland, and gravely injurious to the welfare of the country, to concentrate the control of higher education in one University.”<sup>1</sup>

In seconding this resolution the Archbishop of Tuam said that he might tell the Senate that he represented in these views the views of the whole of the Episcopate of Ireland with one possible exception. Again the Roman Catholic Archbishops and Bishops in their communication to us were silent as to the Dunraven Scheme as distinguished from the two College Scheme, but expressed a doubt how far a Country is better educationally for being reduced to one University, which would be the result of the four College Scheme. It thus appears probable that whatever may have been the opinion of the Irish Roman Catholic Hierarchy at an earlier date, the full consideration of Lord Dunraven's scheme has led them rather to condemn than to approve of it : and we know from past history the power of such a condemnation.

It is not improbable that the centrifugal force which has operated on Universities in England and in France may hereafter continue to operate in Ireland, and that at some future time Cork may obtain the University which it now so anxiously aspires to, and that the Queen's College at Belfast may receive that University rank for which it does not yet feel ready. If these separations should occur, they could take place with as much ease from the Royal as from the Dublin University.

In considering this subject we have not been influenced by any legal or technical difficulties arising from the peculiar relations of College and University, for if there be but one body we recognize that the separation of their functions could be effected by Statute, if the object were desirable.

On the whole, then, we are strongly of opinion that the scheme for the creation of a new College acceptable to Roman Catholics in the Royal University, reconstructed on the general lines traced out by the Royal Commission of 1901, is intrinsically a better scheme than either of those which we have been considering. Its adoption will satisfy the Roman Catholic Hierarchy and University College, Dublin, as well as the Queen's Colleges at Belfast, Cork, and Galway, and Trinity College itself. It thus proceeds along the line of least resistance. It has the negative advantage that if the process of disintegration should set in, Trinity College will not have been subjected to the cruel experience of having been first autonomous, next one of several co-equal Colleges in a single University, and lastly either again autonomous or united with a single College in an uncongenial alliance.

EDW. FRY.	(L.S.)
ARTHUR W. RÜCKER.	(L.S.)
S. H. BUTCHER.	(L.S.)

<sup>1</sup> Appendix to Final Report. Document No. LXVI.

## No. II.

NOTE BY THE LORD CHIEF BARON, SIR T. RALEIGH,  
PROFESSOR JACKSON, DR. DOUGLAS HYDE AND  
DR. COFFEY.

1. On the important question discussed in Section V. of the Report, we are of opinion that the usefulness of Dublin University may best be extended by making it the National University of Ireland, and by connecting with it five Colleges of University rank—Trinity, Belfast, Cork, Galway, and a new College in Dublin, to be founded and equipped with special regard to the needs of Roman Catholic students.

2. A plan of this nature involves the disappearance of the Royal University. As a merely examining body, that institution has never possessed the resources or the powers of a true University; its constitution is, from the academic point of view, most unsatisfactory; subversive changes would be required to make it fit for the position which some of our colleagues would assign to it. If the work of the Royal University can be handed over to some better-constituted authority, we may witness its demise without poignant regret.

3. We have been told by several witnesses that the plan of a single University will be opposed by all parties concerned. Against it we have the weighty opinion of Lord Justice FitzGibbon; the able arguments of Dr. Delany and Dr. Hamilton; the unanimous resolutions of several societies and public bodies. We have considered all these opinions with deference and due care, but, on examining the reasons given, we find that the single University against which so many distinguished men have protested is not the single University which we venture to advocate.

4. Much stress has been laid upon the argument that a single University would be a centralised authority, labouring to bring the whole country under one system of teaching and examination. We should earnestly deprecate any such course of policy, and we should propose to render it impossible, by securing to each College (*a*) the management of its own affairs, (*b*) liberty of teaching, and (*c*) the right to conduct its own examinations, provided that the University is allowed to make general rules for Matriculation, and that, in the final examination for any degree or diploma, the College Examiners shall be assisted by at least one University Examiner, whose consent should be required before any candidate is passed or placed in an Honours list. In the case of Schools of Theology, no person not being a member of the denomination with which the school is connected should be appointed University Examiner, unless with the consent of the College or School concerned.

5. Much has also been said of the inherent weakness of federal Universities; but, so long as the provincial Colleges are comparatively small, we must have federation in one form or another. Our choice lies between an incomplete scheme which federates four of the five Colleges, and a complete scheme which includes Trinity College. We are opposed to any plan which would have the effect of federating the rest of Ireland against Trinity, and especially to any plan which would result in the establishment of two teaching Universities in the city of Dublin.

The instances quoted to prove the failure of federalism prove only that federalism may be a necessary stage in the development of local Universities. It is said, for example, that the Victoria University has fallen to pieces; and so it has. When Belfast is as strong as Liverpool, when Cork is as strong as Leeds, a practical problem will no doubt present itself for solution.

6. It is represented that the standards and ideals of our Colleges will vary so widely that they cannot be brought into a scheme of union. This argument was relied on by Dr. Delany, who told us that, while Trinity College remains the home of classical learning, the Roman Catholics are eager to have education of a modern and practical type. If we may say so with respect, the argument proceeds on a somewhat partial view of the facts. For, if Trinity is the most ancient, she is also in many respects the most modern of Irish places of learning. Thanks to the activity and public spirit of the Board, provision has been and will be made for the teaching of science and of practical subjects. And, when we turn to the Roman Catholics, we cannot suppose that they will be satisfied with a University which fails to make full provision for classical studies. It is most important that their clergy should be men of culture, possessing that kind of acquaintance with Church History which can only be obtained by a student well grounded in Greek and Latin. There will be, and there ought to be, characteristic differences between one College and another; but the ideals of the good teacher are everywhere the same.

7. Some Trinity men have maintained that the prestige of a Dublin degree ought not to be used as an asset in the formation of a new University system. This objection may be met if each College is enabled to have its own Register of Graduates, and to place on the Register the name of any person who, having received his education in the College, has taken a degree in any Irish University. Under such an arrangement, Trinity men would still be free to use the letters T.C.D.; and in the other Colleges the degrees taken in the Queen's or the Royal University would still be a bond of union between graduates of the same College.

8. On the other hand, it is apprehended that Trinity College, the oldest and at present by far the largest of the five, would have too much of her own way if the five were combined in one University. This is a constitutional difficulty, and the experience of other Universities has shown how the difficulty may be surmounted. At Oxford, for example, some Colleges are large and wealthy, while others are small and comparatively poor. In that University, we understand that ill feeling between Colleges is unknown, and that the smaller societies have no difficulty in securing their fair share of representation and influence.

9. Having now dealt, to the best of our ability, with certain preliminary objections, we proceed to indicate how the University of Dublin should be organised for the duties which, if our opinions were accepted, would be imposed upon it.

In the first place we suggest that Parliament might put an end to an interesting controversy by declaring that the University of Dublin is an independent corporation, invested with all the powers usually conferred upon Universities elsewhere.

For administrative purposes, the Governing Body might be a Council, to consist of the Chancellor, the Vice-Chancellor, and the five Heads of Colleges; a fixed number of persons chosen by University teachers, grouped for this purpose under the branches of study which they profess; and a fixed number nominated by the Crown. It might be found expedient, in the first instance, to name the whole Council in an Act of Parliament. Incidentally, care should be taken to secure an adequate representation of the different religious communities, but we desire to exclude the idea that there should be a balance of voting power, as between one denomination and another. That idea has prevailed in the Royal University, because there were lucrative appointments in the gift of the Governing Body. But if Professors are appointed on the advice of special Boards, as proposed in the Report, and if a similar rule is adopted in the case of University Examiners, the Council would, as we conceive, be mainly occupied with questions of academic principle, on which Roman Catholics would not feel bound to vote as Roman Catholics, or Protestants as Protestants.

10. There should, we think, be a new body of Statutes for the University, as proposed in the Report; and the Council should be empowered to make Ordinances, but only in those matters, such as the standard for Matriculation, in which uniformity is desirable. The chief duty of the Council would be, to maintain the credit of the Dublin degree by ascertaining that the work done in the Colleges is of a University character, and that they are adequately staffed and equipped for the courses of instruction which they give.

The Council might, we suggest, have the assistance of a permanent Secretary, who should be an Irishman, with experience of University work. It would be part of his duty to keep the Council informed in matters relating to the Colleges; he should also be enabled to visit other Universities, and to place the information thus obtained at the disposal of the Council.

11. We have carefully considered the question, whether it is possible to give the general body of graduates a voice in the affairs of the University, and we have come to the conclusion that it may be expedient, at the present stage, to do this for each College independently. Thus, the existing Senate might remain as the Senate of Trinity College, with a corresponding limitation of its powers; in the other Colleges provision may be made for meetings of graduates, empowered to discuss questions relating to the College, and to make representations to the College authorities or the University Council.

If it is thought desirable to introduce an element of popular representation, provision may also be made for a Court of Governors, and in this way any local authority which contributes to the support of a College may be officially recognised and consulted.

12. We do not agree with those witnesses who ask that the National University should be secularised, and that Christian Theology should be excluded from its purview. To lay down any such negative rule would be to court a repetition of the controversy which arose when the Queen's Colleges were founded.

At the same time we are constrained to admit that the differences between the denominations are such as to exclude the idea that common action is possible. But we recommend that the University should continue to confer degrees in Divinity; that any School of Theology should be permitted, with the approval of the Council, to connect itself with the University; and that the authorities of each school should pursue their own system of teaching and examination, the University merely appointing an Examiner, who should be a member of the Church with which the school is connected, as we have already indicated in paragraph 4 of this Note.

We do not contemplate any grant from public funds in aid of theological instruction.

13. If the constitution of the University were settled in general accordance with the foregoing recommendations, we still have to determine what is to be the position of a College in the University. We have already indicated the essential liberties to be secured for each College, and may now proceed to formulate certain principles which ought, in our opinion, to apply to all Colleges alike.

(1) Every College ought, we submit, to be, as far as possible, residential. When the time comes to frame a scheme of finance, we trust that means may be found to provide or extend suitable places of residence.

A residential College is incomplete without a Chapel. We do not suggest that Chapels can be provided out of public funds; we must look to the friends of religious education to supply the means. But if, under new conditions, Cork and Galway attract a sufficient number of Roman Catholic students, we think they should be permitted to have Roman Catholic Chapels. At Belfast the Chapel would naturally be Presbyterian, but the pulpit would no doubt be open to preachers of other denominations, as it

is at Glasgow and Aberdeen. Students not attending the College Chapel may be provided for, by appointing Deans of Residence or otherwise, as the College thinks best.

(2) Every College should be under a general enactment forbidding the imposition of religious tests for lay offices, for admission to the College, and for the ordinary distinctions and rewards offered to students. There should also be an enactment, similar to that which now applies to the Queen's Colleges, forbidding teachers to attack or comment on religious belief. If this were the law, the authorities of the College or University could enforce it against any person offending, but in our opinion the presence of such a rule in the statute-book would be amply sufficient. We have not been furnished with any case in which a College teacher has abused his position by interfering with the hereditary beliefs of his pupils. The true safeguard of the student is the sentiment of honour, which is as strong among Irishmen as it is among the men of any other nation.

14. It would, we think, be useful if power were given to recognise Schools of the University, within or outside the constituent Colleges. The Arts Department of Maynooth may thus be brought into the University system, and Schools of Theology may be recognised on conditions which we have endeavoured to define in a previous paragraph.

15. We desire now to test the principles we venture to put forward, by applying them in turn to each of the constituent Colleges.

We entered on the question referred to this Commission with a sincere respect for Trinity College and an earnest desire to promote her welfare. These feelings have suffered no diminution in the course of our inquiry. If the question at issue related to the science or the scholarship of this famous society, we might hesitate to record our judgment upon it. But we have been inquiring into the constitution of the College, and its position in Ireland, and we are conscious of certain defects. In the first place, there is no adequate organisation of the University of Dublin: on this part of the subject we have said what we have to say. In the second place, we have been constantly reminded that there are large bodies of Irishmen who regard Trinity College with suspicion and jealousy. Their suspicion may be due to prejudice; but even so, we have to consider how this prejudice may be removed. The plan of a single University has commended itself to us as the best of the plans before us, just because it puts Trinity College in her right place, and enables her to take the lead in a great effort for the improvement of the higher education throughout Ireland.

If the plan were carried out on the lines above suggested, Trinity College would retain her property intact; her liberty of teaching would be unimpaired; the Chapel and the Divinity School would remain as at present.

It has been argued that Trinity would suffer a loss of status if she ceased to be a College identified with a University, and became a College in a University, like Trinity, Cambridge. This reasoning appears to us somewhat abstract. The changes now proposed would add to the strength and usefulness of the College, and they would be entirely in consonance with the purpose of her founders.

16. We pass from Trinity to her nearest neighbour, the new Roman Catholic College which it is proposed to establish in Dublin. In dealing with this part of the plan, we must bear in mind that the State came to a settlement with the religious denominations in 1869, and that any demand for the further endowment of one denomination would be strenuously opposed. At the same time, we venture to contend that men of all parties may concur in giving assistance from public funds to a College mainly under Roman Catholic management, provided always that the College is maintained as a public institution, open to students of all denominations, and that public money is used only for purposes of general education. To

secure these necessary conditions of success, the statutes of the new foundation should be framed with due regard to the principle above laid down; and in particular, the annual accounts should be presented in a statutory form. We have not attempted to estimate the amount of assistance required. If the Royal University ceases to exist, its buildings and, as vested interests fall in, its endowment may be used for the purposes of the new scheme. The income of the proposed College should be such as to provide for the necessary Scholarships, Fellowships, and Chairs. All that should be attempted at the start is, to place the new society in a position to co-operate on fairly equal terms with Trinity. Some forms of co-operation have been suggested in the Report. It would probably be unwise to arrange for large mixed classes at present, but there is an obvious division of labour which would solve many difficulties. Each of the two Colleges would probably prefer to provide the instruction required by candidates for the ordinary degrees. On the other hand, all work of an advanced character may be regarded as common ground; the student should have access to the best teaching, wherever it is to be had.

17. The Queen's College at Belfast might in like manner be placed under new statutes defining, and perhaps enlarging, its powers of self-government; and every effort should be used to organise the support which ought to be given by graduates and by local authorities. The College would thus be enabled to complete its equipment, and to become in time a working University.

The Queen's College at Cork might be dealt with on the same principles, and an opportunity would thus be given to make such changes as would be likely to conciliate local opinion. Incidentally, it would be proper to secure for Roman Catholics a substantial share in the management of the College. The demand for a local University is, we think, premature; but we may come to that in time.

Some witnesses have proposed to abolish the Queen's College at Galway, or to reduce it to the rank of an Institute. It may be admitted that the present state of things is not satisfactory; but there ought to be room for a good College in the West; and a College providing a sound general education may be more effective, even for practical purposes, than a Technical School. The changes which may with advantage be made at Galway are the same as those which we have recommended for other local Colleges.

18. We are fully aware that our plans are contingent on the possibility of co-operation between Irishmen of different Churches. We are unwilling to believe that such co-operation is impossible, until the experiment has been tried under favourable conditions.

C. PALLES.	(L.S.)
T. RALEIGH.	(L.S.)
*HENRY JACKSON.	(L.S.)
DOUGLAS HYDE.	(L.S.)
DENIS J. COFFEY.	(L.S.)

\* Subject to the separate Note V. appended at page 72.

### No. III.

#### FURTHER NOTE BY THE LORD CHIEF BARON, DR. DOUGLAS HYDE, AND DR. COFFEY

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##### I.—Preliminary.

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We desire to add to the preceding Note, in a little more detail, some of the reasons which have induced us to arrive at the conclusions stated in it.

We conceive it to be material to the consideration of the question involved to understand the true relation of Trinity College to the University of Dublin. Are the University and the College, as has been suggested to us, only one single corporate body, to be viewed in two separate aspects; or are University powers vested in the College itself? Or are the University and the College distinct and separate bodies, each charged with the separate and distinct functions ordinarily incident to institutions of their respective natures, the College bearing to the University the same relation as a College within the University of Cambridge bears to that University?

As the next following Note (No. IV.) is the only one attached to the Report in which either of the Judicial Members of the Commission has expressed an opinion upon these legal questions, we feel ourselves entitled to assume, for the purposes of this Note, that the opinion therein expressed on them is correct; and accordingly, in considering, as we proceed to do, the steps proper to be taken to increase the "usefulness to the country" of the University, and in weighing the arguments for and against the foundation in it of a second College, we approach the question on the assumption that a conclusion in favour of such a foundation will not violate any right, private or public.

We think it right, however, to add that even were the true relation between the College and the University different from that indicated in the Note to which we refer, that is to say, were the University and the College one and the same body: the grievance is, by universal admission, so great, has continued during so many years, and has been attended with such social and economic evils to the public, that we should still not have hesitated to arrive at the conclusion which we have expressed in the preceding Note.

The question propounded, viewed in the light of the evidence given before us and before the Royal Commission of 1901, involves two considerations:—

- 1—Is there a class of students in Ireland who are fit to receive and profit by education in a resident University in Dublin, but who do not take advantage of the education afforded by Trinity College?
- 2—If so, can the character, or mode of administration, either of the College or of the University, be so altered that the benefit of education in that University can be extended to them?

The first consideration may be quickly disposed of. It is stated in the Report of the Commission of 1901, as it has indeed been admitted by every statesman who, during the last quarter of a century, has held the office of Prime Minister or that of Chief Secretary to the Lord Lieutenant of Ireland, that practically all the students, fit to derive University education, from a class forming three-fourths of the entire population of Ireland, are prevented by their religious convictions from taking advantage of the education afforded by Trinity College.



From the Report of the Commission of 1901 it is to be gathered that this state of things has existed in an intense form for fifty years, that its origin is long antecedent, and that its causes are continuing and permanent.

That Report has also put on record things which, although they are matters of public notoriety in Ireland, even reasonable persons in other parts of the Empire have not as yet brought home to their intelligence: "that the evils arising from the want of a higher education, truly academic, and at the same time acceptable to the majority of the Irish people, are far-reaching and penetrate the whole social and administrative system of Ireland;" that amongst other results of those evils "the Roman Catholic clergy are cut off from University training;" that "school teachers have no sufficient motive to graduate;" that "no University provision is made for the training either of primary or secondary teachers"—teachers, it is to be remembered, for whose remuneration public money to the extent of upwards of £1,000,000 a year is provided; that the people "have failed to obtain that combination of general education with technical knowledge which is required by the social conditions now prevailing in Ireland;" that "young men who might find useful careers in industrial and practical pursuits are drawn away from them;" that "there appears to be a dearth of the trained capacity necessary for professional posts in the several departments of applied science;" that "the kind of literary education provided has become a source of weakness rather than of strength to the country;" that "nine-tenths of the prize winners," under a system of education established by the State, when "led to the door of the University," "and many who pass into the world as graduates, are left absolutely helpless in the world;" "that the demand for highly trained Inspectors cannot be satisfied in Ireland;" that the legitimate demand for a fair exercise of Government patronage amongst persons of all creeds cannot be acceded to, as "more than one Chief Secretary for Ireland has confessed that in making appointments he has found it difficult to find amongst the candidates well qualified Roman Catholics;" that the persons to whose judgment the local government of the country is largely and every day increasingly entrusted "are devoid of knowledge of sound economic principles;" and that "every form of economic heresy is rife in Ireland."

These facts and the many other matters stated in this connection in that Report and in the evidence on which it is founded (evidence rightly deemed so conclusive that this Commission was excluded from hearing any more upon the subject), show that there is, and has been for a lengthened period, an urgent public necessity that higher education, truly academic, and at the same time acceptable to Roman Catholics, should be provided for that large body which up to the present time it has not reached.

We proceed now to the second of the considerations we have mentioned, whether Trinity College and the University of Dublin, or either of them, can usefully be made available to remedy the terrible evil which, beyond all doubt, has for so long existed, and which obviously will continue to exist until an apt remedy shall have been provided. In doing this it is right in the first place to inquire whether the intentions of the Royal Founder of the two institutions have continued to be carried out, having regard to the alterations that have taken place in the law, and, indeed, in the constitution, of the country, since the date of the Elizabethan Charter of 1592. Have these institutions been adapted from time to time to those changes, so as to continue, notwithstanding them, to effectuate the intentions of the founder?

## II.—Has the University of Dublin fulfilled its functions as a National University?

It can hardly be suggested that it was the intention of Queen Elizabeth that the education afforded by the University should be confined to the inhabitants of the English Pale, to the descendants of the Anglo-Norman settlers, or to members of the Protestant Church. Her foundation was that of a National University in the sense of a University for the subjects

of the entire Kingdom of Ireland, geographically and ethnographically, without distinction of race or creed. In the Charter itself the mischief intended to be remedied is expressed in the recited petition to be one which extended to the entire Kingdom and to all its inhabitants—"quod nullum Collegium pro Scholaribus in bonis literis et artibus erudiendis intra regnum nostrum Hiberniae adhuc existit." The reason for the exercise of the Royal prerogative as mentioned in the recital—"ad meliorem educationem institutionem et instructionem scholarium et studentium in regno nostro praedicto," and as repeated in the actual grant—"pro eâ curâ quam de juventute regni nostri Hiberniae pie et liberaliter instituenda singularem habemus," is co-extensive with the mischief. And, above all, effect is given to this intention by the clause which prohibits University instruction elsewhere in Ireland, thus proving that the University was meant to supply the wants of the whole island—"Et praesertim ne artes liberales quispiam ullis aliis in locis publicè profiteatur aut edoceat intra regni nostri Hiberniae limites sine licentiâ nostrâ speciali,"—a clause which is repeated in, and made even more stringent by, the first Charter of 13 Car. I.

This is made even more clear by an Act of the Irish Parliament,<sup>1</sup> enacted in 1761, in which the University is styled "The University of this Kingdom."

With such facts as these before us, it seems almost unnecessary to refer to the Circular Letter of 11th March, 1591-92, which was sent by Sir William FitzWilliams, the Lord Deputy of Ireland, and the Irish Privy Council, in anticipation of the granting of the Charter, to the principal gentlemen of each County in Ireland, urging upon their liberality the claims of the new Foundation, and requesting them to solicit subscriptions for the furtherance of so good a work as this would be likely to prove "to the benefit of the whole country"; or to the fact that sums of money were received in consequence from every province of Ireland.<sup>2</sup>

So much for the extent of territory the inhabitants of which were intended to be reached. Was the intention, then, equally general in reference to the creeds of the persons for whom the University was established?

No doubt one of the objects of the Charter was the advancement of the Protestant religion in a country, in which, in the words of Mr. Lecky, "the overwhelming majority of the population within the Old Pale, and nearly the whole of the population beyond its borders, remained attached to the Catholic faith."<sup>3</sup> But the Charter is drawn, no doubt advisedly, so as to render Roman Catholics eligible to enter and receive their education in both the College and the University. In the then state of the statute law, which directed the taking of the Oath of Supremacy, not upon entering a College or a University, but upon "taking any degree of learning therein,"<sup>4</sup> had it been desired to exclude Roman Catholics from admission as students, one of two courses manifestly would have to be taken. Either express words to that effect would have been necessary in the Charter, or the Charter should have imposed upon students some act which Roman Catholics were prohibited by their religion from performing. Now no such words are contained in the Charter of Foundation; nor was it until 1637, forty-five years afterwards, that any such acts were prescribed as could not lawfully have been performed by Roman Catholics.<sup>5</sup>

It is immaterial to consider whether an intention to include Roman Catholics was actually present to the minds of the framers of the Charter. One way of effectuating the intention we have mentioned may have been and probably was the permitting of Roman Catholic students to enter and pursue their undergraduate course in the College, with the result of their finding, at its completion, that if they desired to obtain their degrees it was necessary for them to conform to the State religion. The following words in the Royal Letter to Sir William FitzWilliams of 29th December, 1592,

(1) 25 George III., chap. 42.

(2) "Stubbs' History of the University of Dublin," page 10.

(3) "Lecky's History of England," Vol. 2, page 118.

(4) Stat., 2 Eliz., chap. I. (Irish), sec., 10.

(5) Charter 13, Charles I., chap. ix., "De Cultu Divino." (Chartae et Statuta, Vol. I., page 44.)

which directs the issue of the Charter, are interesting in this view. They are contained in the description of the intended College, which is given in a recital in the letter :—

‘ A Colledge for learning, whereby knowledge and civility might be increased by the instruction of our people there, whereof many have heretofore used to travaile into France, Italey, and Spaine to gett learning in such forreigne Universities, whereby they have been infected with Poperie and other ill qualities, and soe became evill subjects.’<sup>1</sup>

It is a matter of history, however, that this University failed in its purpose of attracting Roman Catholic students; but it so failed; not by reason of anything inherent in its constitution, but by circumstances external to it—viz., the state of the Statute Law, and the determination of the Roman Catholics of Ireland to withstand every effort that the State could make to induce them to join the Protestant Church.

In considering the changes in the law and constitution that are material in this connection, we may pass at once from the date of the Elizabethan Charter of 1592, over more than two centuries, and come to 1869, when the State Church in Ireland was disestablished by the Act 32 and 33 Victoria, cap. 42.

In doing so, we leave out of consideration the Roman Catholic Relief Act of 1793,<sup>2</sup> the Roman Catholic Emancipation Act of 1829,<sup>3</sup> and the series of efforts which previously to 1869 had been made by the Roman Catholics of Ireland to procure that University education to which they deemed themselves entitled. We pass over this period deliberately, merely remarking that the relief afforded to Roman Catholics in 1793, which brought a new class of students into the University, was accompanied by a provision which down to the present day has remained unavailed of, for a corresponding widening of its basis by the foundation of a second College within. We do so because our recommendations are based largely on the principle of religious equality; and as a State Church existed in Ireland until 1869, of which Roman Catholics were not, and could not be, members, we conceive that until the disestablishment of that Church by which Roman Catholics were first accorded the full rights of citizenship, they could not insist (at least with the logical force with which, since that date, they can and do insist) upon the full measure of those rights to which they are entitled under that principle of religious equality of which the British Empire makes its boast.

On the disestablishment of the State Church all Christian religions became equal in the eye of the law. Thenceforth the rights of Roman Catholics, Protestant Nonconformists, and Protestant Episcopalians in Trinity College and in the University of Dublin, became *de jure* identical. The matters external to the Charter of 1592, which until then had prevented full effect being given to the intentions of the founder,—namely, that the University should be a national one—no longer existed. That intention ought at that time to have been fully effectuated; and if the teaching of the Roman Catholic Church presented any difficulty in the way of students of that faith receiving the full benefit of the education provided by the then sole College of the University, the principles of religious equality and liberty then (after nearly three centuries) enunciated, imposed upon the Ministers of the Crown the plain duty of devising some means of obviating the difficulty.

The Ministers of the day recognised this obligation. They felt it so strongly that they staked their existence on the success of their attempt to fulfil it. But their attempt was a failure. And it is not without interest to note that amongst the reasons of that failure was that the attempt went beyond the effectuation of the intention of the Charter, it was not confined to introducing additional Colleges into the University. To say nothing of the effect which its proposals, if successful, would have had on the study of philosophy and history, it disregarded the principle of equality, upon which

(<sup>1</sup>) A copy of this letter (the original of which is stated to be in the Bodleian Library), is printed in “Stubbs’s History of the University of Dublin.” (Hodges, Figgis, & Co., 1889), Appendix, page 354.

(<sup>2</sup>) 33 George III., c. 21.

(<sup>3</sup>) 10 George IV., c. 5.

alone Roman Catholics had based their claim, and omitted to include a proposal for endowment of the new College, the students of which were to compete with those of Trinity.

Since that time the principal intervention of the State in Irish University affairs was that of 1879, by which the Queen's University was dissolved and the Royal University created. That step was taken with a view to alleviate the position of Catholics; how far it has succeeded in affording them a satisfactory academic system may be learned from the condemnation passed on that University by the Royal Commission of 1901. With all its imperfections, the history of the Royal University has at least put beyond dispute that in numbers, in abilities, and in readiness to take advantage of every educational opportunity placed within their reach, Irish Catholics are in every respect fitted for the best-equipped and most modern University institutions which the State can provide. The view that their religious beliefs should offer an argument against the foundation of a new College in the University of Dublin, is, in our opinion, intolerable.

It is an admitted principle of British statesmanship that into the reasonableness of religious convictions honestly entertained by those of one religion, the members of another church shall not enter. We need not recall the words of Mr. Gladstone :—"It is not our business to enquire whether the Roman Catholics are right in their opinion, or whether they are wrong. The question for us is rather this: supposing that they are wrong, is it right in us—is it wise—that they should be excluded from University training;" nor those of Mr. Balfour :—"It is not for us to consider how far the undoubtedly conscientious objections of the Roman Catholic population to use the means of education at their disposal are wise or unwise. That is not our business. What we have to do is to consider what we can do consistently with our conscience to meet their wants."<sup>1</sup>

The general body of Roman Catholics will not disobey their Church nor disregard her solemn admonitions. Their conduct since the condemnation of the Queen's Colleges by the Holy See, now upwards of fifty years ago, proves this. And the Parliament which passed the Act of 1869, knew well, from the previous conduct of the Roman Catholics of Ireland in reference to these Colleges, that unless the University of Dublin were so changed that it could be availed of without a violation of their religious convictions, Roman Catholics in any number would not resort to it.

Mr. Balfour spoke as a true statesman when he said :—

We have to accept the fact that unless we are able to contrive some system of proper education in which the Roman Catholic population will consent to take part it is vain for us to hope that higher education will be practically brought within the reach of a large number of the members of that community which certainly ought to take advantage of it.<sup>2</sup>

The significance of the Catholic problem in Irish University education is that the disability to which it relates is national in its magnitude, and that the circumstances which constitute it are of a character more far-reaching than any connoted by the term "denominational." The Catholics of Ireland, forming, though they do, the vast majority of the people of that country, have suffered from centuries of educational wrongs. Though Trinity College is to-day "a noble institution for the maintenance of sound learning," its strength and its success are almost entirely as a place of education of Protestants, in exclusive possession of a University intended for the entire country, and are the enduring testimony to that unhappy state of things which so long maintained privilege and power in the hands of a favoured minority.

To the majority of Irishmen that College recalls that dark period in their history in which the origin of the Catholic grievance is to be sought, and by which the Irish Catholic objection to Protestant education is to be understood. If Trinity College is a place justly

(<sup>1</sup>) Mr. Balfour's speech at Partick, December, 1889.

(<sup>2</sup>) Mr. Balfour's speech on Mr. Engledew's amendment to the Address, February, 1897.

venerated by Irish Protestants, its character brings into greater prominence the right of the Irish Catholic people to mould their intellectual development on lines harmonious with their beliefs and habits of thought, and to reflect their inner life in a culture which shall proclaim their place in the history of civilization. Herein is the essence of the claim which Irish Catholics have so long made. Whatever institutions of Irish Protestant education may exist, the great majority of the people will not rest satisfied, until, as with the people of every other country, the sympathy of friendly guides shall assist them on the way of educational progress. That sympathy they cannot find in the University of Dublin as it exists to-day. Their demand is for institutions acceptable to them as a Catholic people, but that demand is not for an institution of a formally denominational character. They claim only an environment for their academic youth which shall be Catholic to the same extent, and in the same sense, as that in which the environment of Trinity is Protestant. By efforts sustained for half a century under exceptionally trying conditions, they have asserted in an unmistakable manner their adhesion to this principle, and it is our conviction that no changes possible in Trinity College can qualify it to meet their wants.

And yet Irish Catholics have an undeniable right to a new and popular foundation within the University of Dublin. It cannot be forgotten that for three centuries, the financial resources which have made for its success have been derived, and still continue to be derived from Irish lands and from the toil of Irish hands. The counties in which the estates are placed, which furnish more than £30,000 a year to Trinity College, are almost wholly Catholic. In view of a position so sustained, in view of the national character of the Irish Catholic demand, it is imperative that if the University of Dublin is to respond to its obligations, one or more Colleges acceptable to Catholics should be founded within it. For those who know Ireland nothing seems more futile than that any offers of the Board of Trinity College to appoint Deans of Residence for Catholics and any such like measures will overcome the objection of the great majority of Catholics to enter it.

### III.—A New College in the University of Dublin one of the solutions always advocated.

The view which some of our colleagues take of the solution of the question as to whether the foundation of a second College in the University of Dublin would be agreeable to Roman Catholics, renders it necessary to refer to the nature of the claim which has been steadily made by them since 1869. Even had that view not been arrived at by our colleagues, we should still have thought it of vital importance to consider it here, because it is plain, and has been frequently laid down by statesmen, notably by the late Prime Minister, Mr. Balfour, that it would be useless for the State to provide education without being thoroughly satisfied that those for whom it was intended would avail themselves of it.

The Roman Catholic claim, from 1869 to the present time, whether made through the Hierarchy or by the laity themselves, has been uniformly a claim for equality. The claim of the Roman Catholic Hierarchy, whilst identical in its general object with that of the laity, was to a slight extent different in detail. In common with the laity they insisted that equality, and equality only, was essential, but they preferred that it should be attained by the erection of a Roman Catholic University. As early, however, as 1871, they pointed out, and since that date have time after time reiterated, that a satisfactory solution could be found in the foundation of a second College in the University of Dublin. For many years they have been willing, and are so now, to accept any one of three solutions, viz., (1) a Roman Catholic University, (2) a second College in the University of Dublin, or (3) a College in the Royal University.

The position of the Roman Catholic laity was made clear by a declaration which in the beginning of the year 1870 they presented to the then Prime Minister, and which, on the 30th March in that year, was laid on the table of the House of Commons. That declaration appears, from the evidence before the Commission of 1901,<sup>1</sup> to have been

(<sup>1</sup>) Evidence of the Right Honble. O'Connor Don before the Commission of 1901, in answer to questions 1834 and 1900. (Appendix to the First Report of the Commission of 1901, page 107).

suggested and procured by Roman Catholic laymen solely, led by the Right Hon. Richard More O'Ferrall, Mr. Monsell (subsequently Lord Emly), Major Myles O'Reilly, and the Right Honourable O'Connor Don, all since dead; it did not owe its origin in any way to the clergy. It was signed by 10 Peers, 36 Members of Parliament, 58 Deputy Lieutenants, 14 Queen's Counsel, 268 Justices of the Peace, 36 Barristers, 60 Doctors, 47 Solicitors, and by landowners and other persons to the aggregate of 889.

The terms of that declaration have never been departed from either by the Roman Catholic Hierarchy of Ireland or by the Laity. They are in the following words<sup>1</sup> :—

"We, the undersigned Roman Catholic laymen, deem it our duty to express as follows our opinion on University Education in Ireland.

"1. That it is the constitutional right of all British subjects to adopt whatever system of Collegiate or University Education they prefer.

"2. That perfect religious equality involves equality in all educational advantages afforded by the State.

"3. That a large number of Irishmen are at present precluded from the enjoyment of University Education, Honours, and Emoluments, on account of conscientious religious opinions regarding the existing systems of education.

"4. That we, therefore, demand such a change in the system of Collegiate and University Education as will place those who entertain these conscientious objections on a footing of equality with the rest of their fellow-countrymen as regards colleges, University honours and emoluments, University examinations, government and representation."

The objections set forth in that declaration exist in their full force to the present day. In the following year the Hierarchy also declared themselves in terms as unmistakable as those of the laity. In the Pastoral letter of the Catholic Archbishops and Bishops in Ireland, published in 1871, they showed that the incorporation of a Catholic College in the University of Dublin on terms of equality with Trinity College, would afford a satisfactory solution of the question. That Pastoral letter, after insisting in detail on the principle of equality, contained the following passage :—

"All this can, we believe, be attained by modifying the constitution of the University of Dublin, so as to admit the establishment of a second College within it, in every respect equal to Trinity College, and conducted on purely Catholic principles

To pass from 1871 to 1873, we come to Mr. Fawcett's Bill for the abolition of tests in the College and University, which became law later on in the Session, and is now the Statute 36 Vict., c. 21.

It was made plain by a statement of Mr. Fawcett, its introducer, in his speech on its second reading, that he did not regard this measure as a settlement of the question.

"The Hon. Member (The O'Donoghue) asks the House to declare that the abolition of religious tests will not settle the question of Irish University Education. Who thinks it will? He cannot suppose that the Government think that the passing of this Bill will settle the question of Irish University Education. We have entered into no arrangement or understanding that the question should not again be re-opened." (2)

The principle upon which the Roman Catholics insisted was admitted by Mr. Gladstone, who on the same occasion plainly pointed, as the Roman Catholic Hierarchy had already done, to the foundation of a second College in the University as necessary to the free access to that University of those who were entitled to avail themselves of its advantages. His words were :

"My opinion is that if we are to act upon principles of religious equality in their application to Ireland, those principles, do demand, as has been set out in the preamble to this Bill that the entire people of Ireland shall have free access to the University of Dublin, I know for my own part, and I go a step further, and say that so far as I can see, it is impossible for them to have free access if they are to be confined to that mode of passage and teaching into the University of Dublin, which Trinity College offers. There is no doubt that Trinity College is a college of Protestant tradition and Protestant aspects, and Trinity College must long so continue." (3)

Again on the motion to go into Committee on the Bill, a motion was moved by Mr. P. J. Smyth, an Irish member, to the effect that a Catholic College

(1) Appendix to the First Report of the Royal Commission of 1901, page 289.

(2) Hansard, Vol. 215, pp. 729-30.

(3) *Ib.*, 773.

should be founded in addition to Trinity College in the University of Dublin. Mr. Butt, Q.C., one of the members for Limerick, advocated the same solution, but the motion was defeated.

This was the first time that this particular method of solving the University difficulty, a method which occurred to the Roman Catholic Hierarchy in 1871, was authoritatively brought forward in Parliament. It is now upwards of thirty-three years since that proposal was first made there, and during that long period we find it constantly recurred to whenever the question of University Education for Roman Catholics has been under Parliamentary discussion.

In 1875 Mr. Butt, representing the Nationalists of Ireland, and the Right Honorable O'Connor Don, brought into the House of Commons a Bill formulating the proposal which the former had foreshadowed in 1873.

In his speech on the motion for liberty to bring in the Bill Mr. Butt insisted on the same arguments as are relied on to-day in support of the same solution. The following extract from his speech on that occasion may be taken as conveying his views, and ours, of the question :—

"We have a University made illustrious by great traditions, with a recognised status earned by centuries of work, and commanding for its Degrees a reception all over the world. It appears to me that it would be very unwise to throw away from our Roman Catholic countrymen all these great advantages which no power and no endowments could give to a new institution. We must make an attempt to admit them fully and unreservedly into all the advantages we have acquired. \* \* \*

"In this view, I believe we are led at once to the conclusion that we ought, in readjusting our University system, to maintain its identity unbroken, and its status and its memories unimpaired. \* \* \*

"Trinity College has provided a University education that meets the wants and wishes of one great section of the people. We ought not lightly and without necessity to destroy this. All considerations, therefore, point to this, that in framing a measure to admit Roman Catholics to perfect equality in our University system, we ought to preserve as far as possible the main features of that system, and in admitting others to equal advantages to leave to the Protestant community those which they have so long enjoyed.

"I believe we can obtain all this by building on the lines of the Act passed by the Irish Parliament in 1793. That Act expressly contemplated the establishment at a future day a second college in the Dublin University—a college of which all the emoluments and offices should be open to Roman Catholics, although not excluding Protestants from its education." <sup>1</sup>

Leave was given to introduce the Bill, but there was not any opportunity of bringing it to a second reading.

In 1879 the Royal University was established, but it is clear from the following statements and declarations that it in no way altered the Catholic demand for equality. In a Pastoral Letter of the 26th February, 1887, the present Archbishop of Dublin recurs to the collective Pastoral of the Irish Bishops in 1871, and says :—

"That the equitable settlement of this long standing difficulty of University Education may be effected in any one of the three ways indicated in the Pastoral Letter of 1871 admits of no room for doubt."

And he adds :—

"The Bishops, the Clergy, the Catholic people of Ireland have too deep an interest in the practical settlement of the question to allow individual preference for any special form of University organisation to stand in the way of any equitable settlement of the question that statesmanship may be able to devise. One condition, one condition only, is essential, the maintenance of the principle of equality." <sup>2</sup>

Two years later, on the 25th June, 1889, the general body of the Roman Catholic Episcopacy approved of resolutions which had been drawn up by their Standing Committee on the 21st March in that year, one of which contains the following passage :—

"The Committee abstain from formulating the University system which would best satisfy their demands and wishes. They all merely observe that these would be satisfied substantially by the establishment in a common University of one or more Colleges conducted on purely Catholic principles." <sup>3</sup>

<sup>1</sup> Hansard, Vol. 229, pages 809–10.

<sup>2</sup> Appendix to Final Report, Document No. XCII.

<sup>3</sup> *Ibid.*, Document No. XCIII.



Again, on the 14th October, 1896, the Roman Catholic Archbishops and Bishops of Ireland issued a declaration, from which we extract the following :—

"What then do we claim? Simply to be put on an equality with our Protestant fellow-countrymen. We take Trinity College, Dublin, with its endowments and its privileges, and seeing what is done by public funds and legal enactments for half a million of Protestants of the Disestablished Church of Ireland, we claim that at least as much should be done for the three millions and a half of Catholics.

"We do not seek to impair the efficiency of any institution. We do not want to take one shilling from the endowments of any other body. We look—apart from the consideration of our own inequality—with much admiration and sympathy upon the work which Trinity College and the Belfast Queen's College are doing. But we ask, as a matter of simple justice, that the Catholics of Ireland should be put on a footing of perfect equality with them.

"How that equality is to be reached, it is not for us now to define. We have stated on many occasions that we are not irrevocably committed to any one principle of settlement, and whether that settlement is carried out through a distinct Catholic University or through a College, we shall be prepared to consider any proposal with an open mind, and with a sincere desire to remove, rather than aggravate, difficulties." <sup>1</sup>

In February, 1897, nearly twenty-seven years after the declaration of the laity of 1870, it was renewed. The document in which that renewal was embodied was signed by as representative a body of the laity as had been that of 1870. It was presented to the Lord Lieutenant and the Chief Secretary, and was laid before Parliament on the 18th February, 1897.

This declaration was subsequently adopted and approved of by the Roman Catholic Hierarchy at a general meeting held by them on the 23rd of June, 1897, in a statement from which the following are extracts :—

"The striking declaration in which the Catholic laity of Ireland, renewing a similar declaration made in the year 1870, put forth their claim to educational equality with their Protestant fellow-countrymen, has had a decided effect upon public opinion, and has put beyond question the fact that the Catholic laity are absolutely at one with the Bishops on this question, and feel as keenly as we do the disabilities to which, on account of their religious principles, Irish Catholics are still obliged to submit."

\* \* \* \* \*

"There only remains the condition which Mr. Morley suggests, of the application of the University of Dublin Tests Act of 1873. With reference to this, we have to say that, with some modification in the Act, in the sense of the English Acts of 1871, and the Oxford and Cambridge Act of 1877, we have no objection to the opening up of the degrees, honours, and emoluments of the University to all-comers." <sup>2</sup>

Again, in July, 1900, the Archbishop of Dublin wrote that—

"Keeping in view the essential requirement of equality, we may regard the Irish University question as capable of being finally dealt with in any of the three following ways."

And of these the second was—

"Two State-recognised Universities in Ireland—one of which would be the University of Dublin modified in its constitution, as Mr. Butt proposed, so as to comprise within it a great Catholic College in Dublin in addition to Trinity College."

In 1901 a Royal Commission was appointed to inquire into the provisions for Higher Education in Ireland. The inquiry held by that Commission was thorough and exhaustive in all points except in regard to Trinity College,—which was expressly excluded from its terms of reference,—and the University of Dublin. The opinions of Catholics, clerical and lay, were submitted to that Commission, and amongst the solutions advocated by many leading Catholics was that of a second College in the University of Dublin. This solution was presented by a declaration of the 6th March, 1902,<sup>3</sup> but the Commission held that the scope of the inquiry did not permit them to investigate this solution.

The next declaration<sup>4</sup> of the opinion of lay Roman Catholics was called forth by the Earl of Dunraven's letter of the 1st January, 1904, and stated that a satisfactory solution could be arrived at on the lines indicated in that letter.

We gather from a letter which has been given in evidence that the Roman Catholic Hierarchy had arrived at a similar conclusion, and had communicated their opinion as to it to Your Majesty's Government.<sup>5</sup>

<sup>1</sup> Appendix to First Report of Commission of 1901, page 386.

<sup>2</sup> *Ibid.*, p. 388.

<sup>3</sup> Appendix to Third Report of Commission of 1901, page 581.

<sup>4</sup> Appendix to Final Report, Document No. XC.

<sup>5</sup> *Ibid.*, Document No. XLVII.

It is therefore quite clear that the foundation of a new College in the University of Dublin has been prominent among the forms of settlement which during the past generation has been, and still is, advocated by Catholics as acceptable to them, and that it would also be acceptable to the Roman Catholic Hierarchy appears from the statement submitted to this Commission by their Standing Committee. That statement is that they feel that they are safe in stating that the Catholics of Ireland would be prepared to accept any of the following solutions :—(1) A University for Catholics; (2) a new College in the University of Dublin; (3) a new College in the Royal University.<sup>1</sup>

At this stage it may be convenient to summarize with advantage the matters which, to the present, we have aimed at establishing : (1) That the University of Dublin was intended by its Founder to be a University for the entire of Ireland, and for persons of all creeds therein; (2), that external circumstances, *viz.*, the statute law, and the determination of the Roman Catholics to adhere to the doctrines of their Faith, prevented full effect being given to that intention, so far as it related to Roman Catholics, until the coming into operation of the Irish Church Act of 1869; (3), that that Act entitled to the full benefit of the Charter the large class of the Roman Catholics of Ireland; (4) that that class have been for the last thirty-seven years unable to avail themselves of the education at present afforded by the University, by reason of conscientious religious convictions; (5) that, notwithstanding those religious convictions, they could avail themselves of the benefit of the University, but only through the foundation therein of another College, such as that which we recommend to be founded in it; (6) that they are desirous of availing themselves, and will avail themselves, of this benefit, if such another College be founded; and that since they acquired their full rights through the operation of the Irish Church Act, they have persistently and consistently demanded the foundation of such a College.

It seems to us to follow that the absolute right of the Roman Catholics of Ireland to such a College has been established, unless they are to be permitted still to remain under a religious disability which it is contrary to the principles and policy of the Empire to allow to continue.

#### IV.—National Demand for Fuller Educational Facilities.

But apart altogether from the religious question, we are of opinion that it would be of the highest public advantage to have a new College in Dublin. Even if there were no religious difficulty whatever, the establishment of such an institution is demanded by the industrial needs of the country. The new class, which will be brought under University influence by the proposed new College in Dublin will be by no means an inconsiderable one. We calculate that in four of five years from its opening, when its first students will be in a position to present themselves at the University examination for their First Degree, it will have as large a roll of residential students as Trinity College has now, and that in a few years afterwards its students will largely exceed in number those of Trinity College. Of these no doubt a substantial number will pursue their academic studies on the lines upon which Trinity College has developed; but a College, without other and much more modern developments, would, we believe, be far from fully suited to the majority of the students of the new College. The evidence of the professors of Trinity College shows that in certain points of development that College is wanting :—especially in those points which should bring a poor country like Ireland into contact with the productive agencies and forces around it.

In saying this we do not for a moment desire to convey the impression that we make little of the Faculties of Arts, or desire to see the new College a congeries of scientific training schools, but we are strongly of opinion that the one existing College in the University of Dublin thinks far too little of Ireland, the country in which it is seated. There is at present, and has been for some years, a considerable movement in the direction of

<sup>1</sup> Appendix to First Report, page 80.

the development of Ireland's industries and resources. In this movement Trinity College appears to us to have taken no part whatever, its principal training, outside of its Arts Schools, being a training, if we may so put it, rather for export than for home consumption. We do not wish here to criticize this frame of mind, nor do we dispute the useful work that Trinity College has accomplished for those who pass through its halls, but we desire to lay stress upon the fact that a new College, in which a substantial part of its income would be applied to the teaching of all the sciences most likely to make for the wealth and social prosperity of Ireland, is a matter of necessity. How badly such an institution is wanted we can best gather from the present state of Trinity College.

In it there are no substantial prizes awarded in the Natural Sciences.<sup>1</sup> The Department of Chemical Science is seriously handicapped, as regards facilities for research, by a very limited money grant, by want of special rooms, by want of a library of publications on chemistry, and by other defects.<sup>2</sup> Geology and the allied sciences possess only one room available for research,<sup>3</sup> and there is no proper equipment for their teaching. At present experimental researches in these sciences are conducted mainly by the help of a Government grant received through the Royal Society. Students have no inducement to carry out research work in the laboratory of Mechanical Engineering,<sup>4</sup> which can accommodate only a very limited number of workers. The provision for research in Pathology is exceedingly inadequate.<sup>5</sup> There are no degrees in Veterinary Science, although Ireland depends so much upon her horses and cattle.<sup>6</sup> There is no real economic or commercial school or faculty.<sup>7</sup> So late as 1905, although Ireland is so very largely an agricultural country, there was no Professorship of Agriculture, although there was a Professor of Hindustani, a Reader in Tamil, and Telagu, a Reader in Hindi, a Reader in Indian Law, several Indian class lecturers, and a lecturer in Dutch.<sup>8</sup> The fact that only the sum of £125 a year<sup>9</sup> is allowed for the School of Chemical Science, is sufficient to show how little interest the College has taken in those subjects which we regard as of vital necessity to the development of the country's resources.

Amongst the large number of students, about four thousand, who are now matriculated in the Royal University there must be ample material available for the work of a second College in the University of Dublin, the particular care of which it would be to administer those groups of sciences which have an actual and close connection with the soil, industries, and material wants of the island.

But there is another and no less important direction in which we are convinced that there is room for a second College within the University of Dublin. Such a College would appeal to a class larger and to a great extent different from that from which Trinity College draws its students. Those students are largely of a particular creed and class, to which the history and traditions of the island are so little known that the present Professor of Modern History<sup>10</sup> was able to tell us that he believed he was the first person in the institution to deliver a lecture on Irish History.

This second argument for the establishment of a new College is, like the last, one into which religion in no way enters, but in which national sentiment is a predominant factor. We believe that it is never advisable

<sup>1</sup> Professor Dixon's Statement, Appendix to First Report, p. 32, column 2, l. 10.

<sup>2</sup> Statement submitted by Professors Sydney Young and Emil A. Werner, *Ibid.*, pp. 32 and 33.

<sup>3</sup> Professor John Joly's Statement, *Ibid.*, p. 33, col. 2.

<sup>4</sup> Mr. W. Lilly's Statement, *Ibid.*, p. 34, col. 1.

<sup>5</sup> Professor A. C. O'Sullivan's Statement, *Ibid.*, p. 34, col. 2.

<sup>6</sup> Statement submitted by Professors A. C. O'Sullivan, A. F. Dixon, and H. H. Dixon, *Ibid.*, p. 37, col. 2.

<sup>7</sup> Professor Bastable's Statement, *Ibid.*, p. 41, col. 1, l. 44.

<sup>8</sup> Appendix to First Report, p. 18.

<sup>9</sup> Statement submitted by Professors Young and Werner, *Ibid.*, p. 32, col. 2, paragraph 3.

<sup>10</sup> Professor John H. Wardell's Statement, *Ibid.*, p. 72, col. 1.

to disregard national sentiment in education, and yet we believe that the sentiment of three-fourths of the country has been absolutely disregarded in Trinity College. There has, for instance, been no evidence laid before us that the College has done anything for the cultivation of the Irish language, which at the time of the Elizabethan foundation was the language of the entire country, and which a century ago was spoken by two-thirds or three-fourths of the population, and in which almost the whole history of the island prior to the sixteenth century is written. Nor does any effort appear to have been made to edit or even to catalogue properly the valuable Irish MSS. in the library. Nothing appears to have been done for Irish History, Irish Art, Irish Literature, or Irish Archæology. This is to be deplored from the point of view of mere scholarship. It is held by many that there is probably no other field of linguistic study, save that of Oriental research, which affords to-day a wider scope and better opportunity to men of original and independent genius than does the whole subject of Old and Middle Irish, connected as it is with the various scientific, historical, and literary problems.

The Professor of Irish in Trinity College volunteered to us the names of the books which he had "prescribed for lectures and examinations" during his tenure of office; and the fact that his list comprised the Books of Exodus, the first Book of Samuel, the Psalms of David and the Gospel according to St. John, did not inspire us with confidence in the desire of the College to have native Irish literature really taught or cultivated.

We agree entirely, however, with the recommendation of the Professor of Irish that that language should be ranked as an alternative subject to French and German, as it is in the Royal University, and that the same credit should be given in keeping terms, and in attendance at Irish lectures as at lectures in French and German.

Having regard, however, to the fact that the existing Professorship of Irish was founded, according to the College Calendar, "by certain noblemen and gentlemen connected with the Irish Society," and that it appears to have been always filled from their officers or sympathizers, thereby imposing upon the chair a certain character, we recommend that, after the avoidance of the existing chair of Irish, no appointment to it shall be made for twelve months; when the present trust will automatically cease to exist, and the sum of money collected for the foundation of the chair in 1838 must be disposed of in accordance with the terms of the deed that founded the chair, and be handed over to "the trustees for the time being of the Society for promoting the education of the poor of Ireland through the medium of their native language, to forward the objects of that Society."

#### V.—The Queen's Colleges.

We have now to advert to the position of the Queen's Colleges. They are at present connected with the Royal University, a relation which they acquired in 1879 on the dissolution of the Queen's University. The students who attend those Colleges, therefore, obtain their Degrees from a University located in the capital.

There is much to be said against a federal University, that is, a University which includes institutions in different towns or in places widely separated. Such a federal University in England has recently, owing to the agitation for freedom of action of its constituent Colleges, been broken up, each College acquiring the status and powers of an independent University. There is, on the other hand, a general weight of opinion that this example is, at present, not to be followed in Ireland.

The Royal Commission of 1901, after an exhaustive examination of the circumstances of the Queen's Colleges, decided on the retention of the federal system. The present Commission has taken the same view. We, therefore, have to determine whether those Colleges should remain as they are, or be affiliated to the University of Dublin. From a study of their

past history, a history which tells of the destruction of the University of their foundation, it is a matter of first importance that the students of the provincial Colleges—Colleges which have a great part to fill in Irish education, should be assured of Degrees of established value. If they are to be members of a federal system at all, we hold that that federal system ought to be the strongest which can be devised.

It is obvious that the foundation of a new College in Dublin would fall far short of satisfying the legitimate claims of the Catholics of the South of Ireland. A solution of the question which would satisfy Dublin would be of little practical relief to them. The establishment of such a College would indeed afford an irresistible argument for such reconstitution of the Queen's College in Cork, as would bring it into harmony with its environment :—a crying necessity as it appears to us. Such a reconstitution is absolutely necessary if the settlement is to be a final one, and we do not believe that Your Majesty's advisers ought to be satisfied with any scheme which would involve only a partial settlement.

We desire, however, to guard most carefully the individual rights of Colleges to develop along their own lines, which we can easily see may be more or less divergent. We would desire to see each College given the utmost latitude to prescribe its own courses of study, subject only to the proviso that the examinations in these courses be ascertained by the University to be of equal and sufficient difficulty, and of equal educational value. We quite see that the Celtic population of the South of Ireland, for instance, may desire to develop in a somewhat different direction from the inhabitants of the North of Ireland, and we desire the largest possible degree of autonomy in such matters for the various Colleges comprising the University.

As it is agreed upon by every member of this Commission that those Colleges are to form part of a federal system, we are of opinion that their inclusion in the University of Dublin will afford the best means of securing strength to the federal system as well as the only means of obtaining uniformity of standard for degrees. By such inclusion the Queen's Colleges would attain a status which would enable them to serve the needs of the districts in which they are placed in the most effective manner, and it would also put an honourable termination to their vicissitudes. The Presidents of the Colleges gave evidence to show that they were opposed to affiliation with the University of Dublin, and in support of the resolution of the Royal University against its own dissolution. It is, however, to be remembered that no detailed scheme for the widening of the University of Dublin and for the reorganization of the Colleges had then been made public. The suggestions put forward in our joint Note, if adopted, will give practically a complete autonomy to the Colleges both as regards government and recruiting of the teaching staff, and all internal and external affairs, save its management of University examinations. Even in respect of University examinations, the University will be empowered to recognize fully the College staffs. This being the case, we have an absolute conviction that the Queen's Colleges would obtain greater advantages by affiliation to the University of Dublin than they would in a reformed Royal University. The uniformity of standard in Degrees, in the case of a small country like Ireland, is in itself as supreme advantage.

There is one point more which we should here refer to. The constitution and academic organization proposed in our joint Note for the new College in Dublin are, we believe, such as will meet the wants of Roman Catholics and of students of the Queen's Colleges. In order to assure the members of the Governing Body of the University and of all these Colleges, we suggest that when the period has elapsed for which temporary provision must be made to enable the new College to attain its maturity, then in the case of that and all the other Colleges, none of their members should be eligible to be elected to any of the Governing Bodies who had not obtained his first degree with honours of the highest class. Among the advantages which such an academic organization would bring, not the least is that of providing opportunities for brilliant young Irishmen to attain to academic distinction and service in their own country.

## VI.—The Endowment of the New College.

We desire to add one word as to the endowment of the new College and to a source to which the Earl of Dunraven's scheme points as one from which the requisite money, or part of it, may be procured.

We think that in estimating for the expense incident to the new College, the amount should be calculated upon the basis that even in the immediate future the College should be able to afford residential accommodation for a body of students not less than the number at present in Trinity College. The principle upon which such an estimate should be made is thus stated in the Final Report of the Commission of 1901.

"Another condition common to all the proposals, whether for College or University, is that they involve a large expenditure of public money. On all grounds, we are strongly of opinion that unless what is done is done on an adequate and impressive scale, it need not be done at all. It is necessary that in the dignity of the buildings, the emoluments of the teachers, and the equipment of the establishment, the institution should command respect and inspire enthusiasm. We regret to say that even from the most sanguine witnesses we have not received any prognostications of private benevolence aiding this great object. The circumstances and history of the country are rather looked to as basing a claim for the public endowment of an institution necessary for the intellectual development and social stability of Ireland."<sup>1</sup>

The same generous view was taken by the late Prime Minister, Mr. Balfour, in his speech in the House of Commons on Mr. Engledew's motion for an amendment to the Address in the Spring of 1897. His words are :—

"Our second object must be that when they carry into effect their willingness to 'attend the lectures, and to gain all the advantages of this new educational institution, the institution itself should be one worthy of the efforts of this House—worthy, of the great cause in which it is to be set up, and should be of a character which if it does not speedily rival Trinity College in its immense services to the civilization of the United Kingdom and of the world shall, at all events, in the course of generations rival that great institution.'"<sup>2</sup>

We agree in the views thus expressed and venture to hope that effect will be given to them by the Legislature. Were there any marked difference between the dignity of the buildings of Trinity College and those of the new College, it would serve to prevent the Roman Catholics of Ireland being convinced that the principle of equality upon which, and upon which only, they have throughout insisted had not been admitted and acted upon. Were this so, a sense of the long-felt injustice would continue. The feeling of unrest would not be laid—a sense of inferiority would exist in those connected with the new College, and thus the consummation so devoutly to be wished for, a final settlement, would not have been reached. Any such result would, we feel, be one to be deeply deplored. Upon the one hand nothing savouring of extravagance ought to be expected or to be tolerated, but still the remuneration of the Fellows ought to be sufficient to encourage laymen to devote themselves to the study of the science of education, with a prospect that if successful their incomes would be reasonable ones, as compared with those to be earned in other professions by persons of equal ability. It may also be necessary in some subjects to appoint Professors of European reputation, for whom larger stipends may be necessary, as we would deplore such men being tempted away by the offer of larger remuneration by other Universities—a course of procedure of which Dublin is not without examples. Further, it should be remembered that, speaking generally, the class of persons who will avail themselves of the new College will probably be less able themselves to provide the expenses of their academic education than are the present students of Trinity College. It follows that whilst no pecuniary encouragement to resort to the new College should be held out to any who are not of ability far above the average—indeed to any who there is not a reasonable probability would develop genius, still

<sup>1</sup> Final Report of the Commission of 1901, page 34.

<sup>2</sup> Hansard, 4th Series, Vol. 45, page 323.

there should be Sizarships, Exhibitions, Scholarships and Fellowships of sufficient value to enable persons of this class having only a limited amount of the world's goods to support themselves during their academic careers and supply themselves with the necessary books.

The proportion of these rewards to the number of the students should (on account of the greater poverty of the students) probably be greater than that which at present exists in Trinity College.

As to one of the sources from which an endowment of such a character might proceed, the Earl of Dunraven rightly called attention to the large sums which were paid out of our exclusively Irish fund, the Irish Church Fund, to relieve the consolidated fund of Great Britain and Ireland, or the general revenue of the country in respect of charges which theretofore had been defrayed out of the latter funds.

It was no part of the policy underlying the Irish Church Act that the Exchequer of Great Britain and Ireland should be relieved by the application of an exclusively Irish fund, and we are of opinion that Ireland has an equity as against the consolidated fund of Great Britain and Ireland for compensation for the sums which under the Irish Church Act were paid out of the Irish Church Fund in respect of the sums paid under that Act to the College of Maynooth, and to the extinguishment of the claims known as the "Regium Donum." Those sums were paid by means of money borrowed for that purpose from the Treasury at interest, under arrangements the practical effect of which was that the Irish Church Fund was charged with the repayment of these sums and compound interest.

Were the account between the Treasury and the Irish Church Temporalities Commissioners (now represented by the Irish Land Commission) adjusted by the deletion of all these payments of principal sums and the interest thereon, a considerable sum would remain to the credit of the Irish Church Fund, applicable, if Parliament thought fit, to the endowment of the new College. We have further to observe that prior to the foundation of the Royal University, the expenses of the Queen's University were defrayed out of monies provided by Parliament. The amount applied to that purpose in the year ended the 31st March, 1879 was £5,144 19s. 7d., as appears by the Appropriation Account of that year. The expenses of its successor, the Royal University, was paid out of the Irish Church Fund, and thus for twenty-seven years the general income of Great Britain and Ireland has been relieved of this annual payment at the expense of Ireland. Ireland may justly claim, by reason of the cessation of this charge, not only an annual sum to be applied towards part of the expenses of the new College of £5,100 a year, but also the annual sums of about this amount which, but for resort being had to the Irish Church Fund, would have been paid out of the general income of the State since 1879, and interest thereon.

In conclusion, we desire to add that the new College should be declared entitled to avail itself of the teaching power and of the apparatus of the Royal College of Science for the instruction of its students, but such instruction should be given subject to the supreme control of the authorities of the University and of the new College.

#### VII—Answer to Certain Objections.

We now desire to make a few observations upon the Note of the Chairman, and our colleagues, Sir Arthur Rücker and Mr. Butcher.

It expresses their opinion that it would be "a dangerous experiment" to deprive Trinity College of its ancient character of independence, and to convert it into a mere College of a University of a different character.



This opinion, of course, assumes that the College is identical with the University, a proposition which, for the reasons mentioned in Note No. IV., we consider it impossible for us to maintain. Given the fullest effect to our proposals, the College will maintain all the "independence" which was incident to its ancient character, its character as a College in a University whose Charter of Foundation contemplated the erection within it of other colleges. Our proposals do not convert it into a College of a University of a different character. Nor do we propose to change the University in character or to do more than develop it according to the intentions of its foundation.

Two assumptions, neither of which we can accept, appear to us to pervade that part of the Note of our three colleagues. The first is—that the "College and the University have existed practically as one body"; whereas it appears from Note IV. that although to the outside public they may have presented that appearance, they were in fact, as in law, two separate bodies, performing wholly separate and distinct functions. The second is the assumption that because the College and the University had "existed practically as one body," although they were and are separate, therefore they are, and are to be dealt with as if they were that "one body—whatever may be the exact legal relation of the two bodies, or the proper description of the one body."

The next proposition is that if the Governing Body of the University were to be constituted (as it necessarily must be if a second College be founded within it), of representatives of each of the two Colleges, "there is at least good reason to fear that the jealousies of religion and race" would render it impossible to "find means by which to secure a Governing Body in which academic merit and fitness are to be the sole conditions for appointment." We cannot see any such impossibility, or even any difficulty. We think that the suggestion we have joined Sir Thomas Raleigh in making in Note No. II. as to the constitution and functions of special Boards for the election of Professors will prevent all difficulty.

As to all this we cannot refrain from adding that we find a singular inconsistency in such a doctrine being propounded in a document which at the same time states that the Senate of the Royal University, "comprising representatives of the chief religious denominations in Ireland . . . . has worked, and is working, smoothly and well." It is the province of that body to perform the same class of duties as will be allotted to the new Governing Body of the University of Dublin, and to perform them without any such safeguard as we have suggested. If such a composite body of men could work harmoniously in the one case, we cannot see why they should work discordantly in the other. And if it were to be taken as a working principle that such a composite body could not be trusted to do solid educational work, we would only regard it as a further unanswerable argument against the Catholics of Ireland being left dependent upon such an institution as the Royal University.

If Parliamentary sanction be given to the doctrine put forward by the Note, that because the members of the governing body of a University are persons of different religions, it will be impossible for them to fulfil their academic functions justly and honourably, then, indeed, not only the cause of higher education in Ireland, but the material progress of the entire country, must necessarily be considered hopeless. To separate Roman Catholics from Protestants in such a governing body solely because of their religious beliefs, would be to go back more than a hundred years in the government of Ireland, to rekindle religious bigotry, and to divide the population into two sections, rendered hostile solely by reason of their religions. We decline to believe that any Government responsible for the progress of Ireland will make themselves parties to any such doctrine.

The Note admits that the Roman Catholic Bishops "contemplate without fear the intercourse of students of the same University, but of different Colleges," and does not venture to suggest that this is not an honest expression of the real belief of the Roman Catholic Hierarchy that such intercourse would not be dangerous, or that that belief is not well founded in fact; indeed, the view of the signatories to the Note is that the Hierarchy is the only body whose action would be effective to prevent such

intercourse. The statement of the bishops, however, is met by a reference to two alternatives, one of which is obvious—that if that intercourse were confined to the examination hall, it would amount to little or nothing. But what about the other alternative? “If,” says the Note, “it were frequent in the lecture-rooms, and laboratories, and in the social meetings of students, it would, no doubt, be held to be perilous to faith and morals.” That inference is, in plain words, that the Hierarchy would themselves prevent the fraternising between students of different creeds which their statement tells us can take place with advantage and which they hold out as one of the benefits which will result from the action they suggest. It is, in our opinion, a baseless inference, if indeed it does not involve a reflection upon the honour of the Roman Catholic Hierarchy, a reflection which we cannot believe to have been intended.

We concur in the proposition in the Note, that it would not be “just to take” their Professorships away from the College, and give them to a new institution. We do not propose that they shall be so taken. The Professors are, practically, Professors of the College by whom they are paid, and in name only are they Professors of the University; hence we propose that the existing Professors shall continue to be paid by the College, but we add that they shall retain their present titles. As regards the professors of the reconstituted University, although, their appointment must, of course, rest with its Governing Body, we must express our dissent from the conclusion arrived at in the Note: “We are convinced that choice would not be made on merits alone alone without regard to religious profession.”

The Note then proceeds to refer to “the state of feeling on the part of the two bodies whom it is proposed to unite.” For the moment we pass over that, to which we shall hereafter recur—the state of feeling in Trinity College—to refer to that which is called “the other Body,” which it is proposed to unite. As to this the opinions of two persons are referred to—those of the late Right Rev. Monsignor Molloy, Vice-Chancellor of the Royal University, and the Rev. Dr. Delany, a member of its Senate, and President of University College.

The individual opinion of each of those gentlemen was in favour of the affiliation of the new College with the Royal University, but we cannot regard those opinions as representative of authoritative Roman Catholic opinion, inasmuch as the Roman Catholic Hierarchy in all their statements to which we have referred, including that which they have submitted to us, have indicated neither any objection to the University of Dublin nor any preference for affiliation with the Royal University.

The article referred to in the Note is a letter which was contributed by the late Monsignor Molloy to a daily newspaper, and deals with the general question as to the desirability of associating the new Catholic College with the University of which he was the Vice-Chancellor, rather than with the University of Dublin. His views, as well as those of the Rev. Dr. Delany, deserve the consideration to be given to those of men of experience and of long service in the cause of education. We recognise fully the weight of their belief in the Royal University, but even their faith in its possibilities can scarcely weigh against the fact that in its present form that University has been condemned by the Royal Commission of 1901, and that in the form which it was suggested by that Commission that it should take in the future, the circumstances under which the conclusion of the Commission was arrived at were, as is well known, universally objected to. Trinity College was expressly excluded from the the scope of the inquiry allotted to that Commission. We consequently fail to appreciate the value and the relevance of the conclusions which have been drawn from the letter of the late Monsignor Molloy, a letter which was written before this Commission published any of the documents or evidence submitted to it.

If, instead of attaching weight to the opinion of the Right Rev. Monsignor Molloy, we consider and weigh for ourselves the reasons he expressed for it, we find them unconvincing.

The "ancient seat of learning" in question was, and is, composed of two separable parts—the College and the University. Our view is that the University, founded so largely at the expense of the people of Ireland, and by lands taken directly from the people, should now at length be made in the fullest sense available for the entire population of the country. We look upon the academic position and traditions of scholarship of the University, which was originally founded as the one National University of Ireland, as being the property of the entire people. If the hateful code of penal laws which so long dishonoured our Government, deprived in time past the Roman Catholic population of those University rights to which they were clearly entitled, we deny that this can be construed into a reason for any longer depriving them of that privilege.

The remaining objection to the foundation of the second College is that the Provost, the Fellows of the College, and the Professors of the University are opposed to it.

We desire to speak with great respect of the opinions of those distinguished gentlemen, but some observations naturally arise in reference to them.

It is apparent, from the evidence that what we regard as the true relation of the College to the University has not impressed itself upon them. The Provost, Fellows, and Professors, seem honestly to believe that Trinity College is a College with University powers, or at least something which, in one aspect, is a College, and in another is a University; so that both constitute but one body. It has been suggested that Dublin University ought to be compared rather with a Scottish University than with Oxford or with Cambridge, that it is a University the constitution of which did not contemplate, and, indeed, would not admit, of the erection within it, of a second College.

Viewing it in this light, they conceive that the proposals which we suggest would take from the College something which was incident to it in its nature, and would change the character conferred upon it by its constitution. Could it rightly be looked upon in this aspect, it seems natural that they should dislike and resist the change. There is, however, no resemblance between the University of Dublin and the Scottish Universities. Edinburgh and Glasgow are professorial Universities without any such bodies within their organisation as that of a Corporation constituting a residential College—a Corporation which in the case of the University of Dublin is the dominant element in the institution. Such a constitution the University of Dublin has inherited from the University of Cambridge, upon which it was modelled, and it is only owing to the accident of political and religious storms that it has not fully developed in the same direction as its parent University. The addition of one or more Colleges to it will help to complete the structure which we believe to have been originally intended.

Could we succeed in accomplishing the task of satisfying the Fellows and Professors that the view which, in Note IV., is taken of the relations between the two bodies, is the correct and legal one—were they satisfied that Trinity College is not entitled to remain the sole College of the University of Dublin, we have such belief in their sense of justice that we feel they would regard the question in a different aspect. But however this may be, we must consider the matter as one, not of sentiment, but of right and expediency. If our conclusion be the correct one, that the College has no right to resist the foundation of sister Colleges in the University, the question for us is, not the sentiments of the Fellows and Professors, but the much broader one of public justice and expediency.

Some again have argued against what they believe will be the evil results of the clash of contending ideals of education in Trinity College and in the proposed new College, but we believe that equality of advantage and co-operation in a common University will not be found to fail in drawing generously-minded Irishmen together in an earnest effort to put an end to racial and religious jealousy. Neither in abilities nor in the acuteness of their perception of the realities of life, do we believe one class of Irishmen to fall behind the other.

If we are right in thinking that there has existed from 1869 a state of things involving injustice to Roman Catholics, inconsistent with the great principles of religious equality and religious liberty, working (as is stated in the Report) not only private injury to a large class of the population of the country, but also pervading to its detriment the whole social and administrative system of Ireland, then it must be admitted that the settlement of the question is not a matter which ought to brook further delay. It is not whether private right is to give way to public interest, although Parliament every day insists upon that principle in its sanction to Local Statutes, it is whether private sentiment is to yield to an urgent public necessity. We hold that but one answer can be given to that question :— that the interest of the public must prevail.

Our most respected colleague, Professor Jackson, whilst he agrees with us that the only truly academic solution of the problem is to be found in the scheme which we recommend, whilst he does not recommend inaction, hesitates in consequence of the hostility of the present members of the staffs of the Colleges, to advise immediate action. But no third course can be found between the two antagonistic recommendations of the members of this Commission. The nature and extent of the mischief to be remedied is recognised as fully by those of our members who have signed the Chairman's Note as it is by ourselves. The necessity for some action presses them as urgently as it affects us. The difference between us is the nature of that action. The matter which has raised this difficulty in the mind of Professor Jackson : the hostility to our proposals of those who have vested interests in the Colleges, especially in Trinity College, permeates the entire staffs, even to the member admitted a month before the issuing of our Commission. No length of time will assuage this hostility so long as the matter remains undecided. Each Fellow or Professor who may be appointed prior to the passing of an Act of Parliament founding the new Colleges in the University of Dublin will join with the zeal of a neophyte in condemning the sacrilege which he deems to be involved in our proposals. If those proposals be rejected now, it must, as we assume, follow that those of the Chairman and of such of our colleagues as agree with him will be adopted. Those proposals are necessarily not temporary, but permanent. If adopted, they sentence a large number of the youth of Ireland, of highly intellectual activity, to an education which, whatever else it may be, must be admitted not to be academically the best.

A difficulty to take *immediate* action in favour of a truly academic scheme cannot, in our opinion, justify the permanent imposition upon Ireland of a system of education academically insupportable, and therefore we hold that notwithstanding his difficulty as to immediate action, Professor Jackson's carefully considered and balanced opinion, viewed in the light of the existing circumstances of Ireland in relation to University education, calls for the action of Parliament as urgently as do the views expressed in this Note.

A full consideration of all the proposals laid before us has convinced us that a solution on the general lines indicated in Note No. II. affords the means of increasing the usefulness of the University of Dublin, of providing the new College so much required, of effecting a just and adequate settlement of the University Education question, and of enabling the University of Dublin to move forward with the promise of a great future.

C. PALLES.	(L.S.)
DOUGLAS HYDE.	(L.S.)
DENIS J. COFFEY.	(L.S.)

## No. IV.

NOTE BY THE LORD CHIEF BARON ON THE RELATION  
BETWEEN THE COLLEGE AND THE UNIVERSITY.

Early in the course of our proceedings a question arose as to the construction of the Charter of 34th Elizabeth, which vitally affected the nature of the relation of Trinity College to the University of Dublin. It was suggested that the body which was incorporated by that Charter was "one endowed with the functions of a University as well as with those of a College," although to the present it "has been governed by separate rules in its collegiate character and in its University character," and although these characters "have been thought of, and legislated for, as if separable."

This preliminary question appeared to me to be not only one of supreme importance, but also one which it was essential that our Commission should determine before it proceeded to consider the last of the matters referred to it by Your Majesty, viz., the "steps proper to be taken to increase" the "usefulness to the country" of the College and the University.

As the question was one entirely of law, it seemed to me that those amongst us who had had legal training might usefully have informed their lay brethren of their views upon that subject, and that our Report should have clearly stated the relation between the two bodies, which we had adopted, and upon the basis of which we had made our recommendations.

It is to me a matter of deep regret that this course has not been adopted, but having considered the question with the utmost care, having laid my views in writing before my colleagues, and not having heard anything during the course of our discussion to raise doubt in my mind as to the correctness of the conclusion at which I have arrived, I feel it my duty to place it on record.

The Charter 34th Elizabeth (1592), by which the College was founded, commences with the following recital:—

"Cum dilectus subditus noster Henricus Ussher Archidiaconus Dubliniensis nobis humiliter supplicavit nomine civitatis Dubliniensis pro eo quod nullum Collegium pro Scholaribus in bonis literis et artibus erudiendis intra regnum nostrum Hiberniae adhuc existit; ut unum Collegium matrem Universitatis juxta civitatem Dubliniensem ad meliorem educationem institutionem et instructionem Scholarium et studentium in regno nostro prædicto erigere, fundare, et stabilire dignaremur."<sup>1</sup>

It then declares as follows:—

"Sciatis quod nos pro eâ curâ quam de juventute regni nostri Hiberniae piè et liberalitèr instituenda singularem habemus . . . volumus, concedimus, et ordinamus . . . quod de cætero sit, et erit unum Collegium Mater Universitatis in quodam loco vocato Allhallowes juxta Dublin prædictum . . . et quod erit et vocabitur, Collegium Sanctae et Individuae Trinitatis juxta Dublin a Serenissima Regina Elizabetha fundatum. Ac illud Collegium de uno Praeposito et de tribus Sociis nomine plurium et tribus Scholaribus nomine plurium in perpetuum continuaturum erigimus, ordinamus, creamus, fundamus et stabilimus firmitèr per præsentem."<sup>2</sup>

It proceeds then in apt and technical words to incorporate the College under the name of "Praepositi, sociorum, et scholarium Collegii Sanctae Trinitatis Elizabethæ Reginae juxta Dublin," to license it to hold lands, to empower it to sue and to be sued by its corporate name, and to have a common seal. It further authorises the Provost and Fellows from time to time for ever to make laws, statutes, and ordinances for the good government of the College, and to establish within it such of the laws of the Universities of Cambridge and Oxford as they shall deem to be apt and suitable. Finally it provides that the liberal arts shall not be publicly taught elsewhere in Ireland without Royal license.

<sup>1</sup> Chartae et Statuta Vol. I. page 1.

<sup>2</sup> *Ibid*, page 2.

So far the institution founded is an incorporated College, which is intended to be "*mater Universitatis*." In all this there is nothing whatever to show that it is itself to fill the inconsistent character of the *universitas* of which it is to be the *mater*.

But this Charter that founded the College is the very Charter that founded the University also. This statement is not controverted by anyone. Its truth is apparent from the facts that public commencements were held and the Degree of A.M. granted to Henry Ussher on Shrove Tuesday, 1600,<sup>1</sup> and that commencement fees were received from 1608,<sup>2</sup> both of which dates are earlier than any Charter other than that of 1592. Hence the Charter of 1592 must have conferred the privilege of granting degrees, a privilege inherent in a University and not in a College.

The Charter then proceeds in the following words, which are the only ones it contains which are capable in law of founding a University, and therefore those by which it must in fact have been founded :—

"Et cum gradus quosdam in artibus et facultatibus constitui literis fuisse adjumento compertum sit, ordinamus per praesentes *ut studiosi* in hoc Collegio Sanctae et Individuae Trinitatis Elizabethae Reginae juxta Dublin libertatem et facultatem habeant, *gradus* tum Baccalaureatus Magisterii et Doctoratus juxta tempus idoneum *in omnibus artibus et facultatibus obtinendi*. . . . et ut *intra se* pro hujusmodi gradibus assequendis habeant libertatem omnia acta et scholastica exercitia adimplendi quemadmodum praeposito et majori parti sociorum visum fuerit, ac ut omnes personas pro hujusmodi rebus melius promovendis, eligere, creare, nominare, et ordinare possint, sive sit Procancellarius, Procurator, aut Procuratores (nam Cancellarii dignitatem honoratissimo et fidelissimo Consiliario nostro Gulielmo Cecillio Domino Baroni de Burghley totius Angliae Thesaurario delegatam approbamus) et ut posthac idoneam hujusmodi personam cum defuerit pro hujus Collegii Cancellario Praepositus, et major pars Sociorum eligant, ordinamus." <sup>3</sup>

Those upon whom the privilege of obtaining University Degrees is conferred by these words are the "*studiosi*" (*ut studiosi facultatem habeant gradus in omnibus artibus, &c., obtinendi*.) It is ancillary to this right that the *studiosi* are granted the further right of performing '*intra se*,' i.e., in the College, "all necessary acts and scholastic exercises" (acts and exercises it is to be observed which are to be appointed, not by the Corporation of the College, but by its Provost and the majority of its Fellows), and it is in order to give effect to this right of the *studiosi* that a Chancellor is appointed and that directions are given for the appointment of his successors, of Vice-Chancellors and of other officers.

Thus the mode in which the University is founded is not by the grant to the College Corporation of University powers, nor by an express grant of such powers to any person.

It seems to me to be undoubted that the University was constituted by implied grant, by a grant implied from the grant to the students—"*studiosi*"—of the right to obtain degrees, degrees which they could not obtain unless a person or a body of persons were constituted who were empowered to grant them. The declaration of the right to a degree implied the existence of some one capable of granting it, and as no such person existed before the Charter, that Charter must have impliedly empowered some person or persons to grant it. That implied power would *in se* constitute a University in the persons who have been so empowered. If therefore we ascertain the body which has the power, we ascertain also the body which is constituted the University. Now the body from which these degrees are to be obtained is not expressed to be the College (an institution to whose functions that of granting Degrees is foreign), but is a body which, although not expressly named in the Charter, is still sufficiently designated in it (1)—by its officers, its "Chancellor," its "Vice-Chancellor," its "Proctors" and others, "*pro hujusmodi rebus melius promovendis*," (2)—by the nature of its duties, that of granting degrees, and (3)—by its analogy to the Universities of Oxford and Cambridge which are previously men-

(1) "Stubbs' History of the University of Dublin." Dublin: Hodges, Figgis and Co., 1889, page 17.

(2) *Ib.*, page 25.

(3) *Chartae et Statuta*, Vol. I., p. 7.

tioned in the Charter, and whose apt and suitable laws are to be established in the new foundation. There is no difficulty in constructing the University which, and which alone, will satisfy these conditions.

The Universities of Cambridge and Oxford, as incorporated by the 13 Eliz. c. 29, consisted of "the Chancellor, Masters, and Scholars of the University." Scholars as used in this expression are not confined to such scholars only as are members of the Corporation of a College, but include all matriculated students, as all such students on matriculation undoubtedly become members of the University.

Now the scholars (*scholares*) named in the part of the Charter of Elizabeth which incorporates the College became by reason of being so named students of the University upon the moment of its foundation. The same Charter named the Chancellor. All, therefore, that remains to be ascertained are the Masters. They are the members of the Congregation or *Senatus Academicus*, a body which according to the usage of the Universities of Oxford and Cambridge includes a 'Caput,' and that Caput, according to the same usage, comprised the Chancellor and some of the Heads of the affiliated Colleges. The Chancellor named in the Charter and the Provost of the College were according to this reasoning sufficient to have formed at least the Caput and those officers, the Chancellor and the Provost, it is to be observed, appear (from the earliest Code of the Statutes of the University of which there is any evidence) to have in fact formed the Caput of the University of Dublin. As the Caput forms part of the *Senatus Academicus* of that University, persons capable by office of forming the *Senatus Academicus* of the University of Dublin came into existence upon the execution of the Charter, although they were unable to grant degrees, till the '*tempus idoneum*' mentioned in the Charter, the time when the first students of the College, who had been previously fitted by their education in the College, and their performance therein of academic exercises to receive degrees, were entitled to present themselves to the University to receive them. It is not material to consider whether the University was founded *in præsenti* at the very moment of the grant of the Charter, or whether its actual existence was not deferred until the '*tempus idoneum*' at which for the first time some of the *studiosi* became entitled to present themselves for degrees, and consequently entitled to have in existence a body capable of considering whether such degrees should be granted to them. The latter appears to have been the opinion of Sir Joseph Napier, but however this may be, it appears to me to be quite clear that at the first Commencements in 1600 a University which had been constituted through the operation of the Charter was in actual legal existence.

Thus the University was founded, a University which had not as yet acquired a name. Nearly a century later the Charter of William and Mary of 15th December, 1682, referred to it as the "University of Dublin," and thereupon it became legally entitled to the name by which it ever since has been and still is known. There is involved in this construction of the Charter that the University should be one capable of having within it, as had its prototypes, the Universities of Oxford and Cambridge, more Colleges than one; a character which is thus traced back to its foundation and is not to be deemed to have been acquired in 1613 through the Charter of James the First.

There is not, however, involved in it that the University thus created was a Corporation, in the technical sense in which we now know it, because, until a time long subsequent to the foundation of the Universities of Oxford and Cambridge the very idea of such a Corporation—of a person which had a legal existence distinct from that of the sum of its members, had not, according to the view of Sir Frederick Pollock and Dr. Maitland, been grasped by English lawyers.<sup>1</sup> The distinction between the "*universitas*"

<sup>1</sup> Pollock and Maitland's History of English Law i., 477.



and the "societas" was then unknown to our law. Now the analogy to the Universities of Oxford and Cambridge which the new University was to bear does not justify our implying in the latter any element, such as incorporation, which, although actually existing in the former, was not essential to their existence. Thus I am led to conclude, as has Mr. Baron Fitzgerald<sup>1</sup> and our late Master of the Rolls, Sir Andrew Porter, that the University was not a Corporation. Even, however, had I doubt as to this, I should have felt bound to follow the *judicial* decision upon it of the late Master of the Rolls, but in truth I have no such doubt, I entirely agree with him that the University was such a Corporation, although I know that in this I differ from so learned an authority as the late Sir Joseph Napier.

If, however, the University be itself a Corporation, then that Corporation must necessarily have been in law a "person" different from the other Corporation, that of the College; and on that hypothesis any identity between the College and the University or any implication of University powers in the former would be impossible. If, on the other hand, the University body is unincorporated (as were the Universities of Oxford and Cambridge before the 13th Eliz. c. 29), then so far from the University which was constituted by the Charter being identical with the College Corporation, it is differentiated from it in the most essential particular, as one is, whilst the other is not, a Corporation. Further, there is a want of identity between the members of the two bodies which must necessarily continue during all time, as the University body includes such students as have not obtained Scholarship as also the Doctors and Masters of the University (other than the Provost and Fellows of the College), and these students, Doctors and Masters are not included in the College Corporation. Thus, whether the University be or be not a Corporation, it is a body distinct from the Corporation of the College, and consequently, whether it is, or is not, is a point which is not material to the matter in hand here.

The clause, last referred to, of the Charter makes clear, however, the meaning of the words "*Mater Universitatis*." By reason of it every student of the College became as such a member of the University. The children of the College became, and at the time of the foundation of the University they alone were, the University itself.

The Act of Settlement, 14 and 15 Car. II. (1660), and again the Roman Catholic Relief Act, 1793, expressly authorise the erection of another College in the University. Each of these Acts appears to me to be nothing short of a statutable declaration of that which, even without it, would appear to be abundantly plain, namely, that the University is distinct from the College. Were it otherwise we should have the anomaly of one College of a University having power to confer degrees on the members of a sister College in the same University, and as this capacity of the University to affiliate other Colleges is inherent in its constitution, this anomaly, if it existed, would have been apparent on the face of the Charter of foundation, and a construction of that Charter which involved it would read one of its clauses as being inconsistent with another clause, a construction not to be arrived at without compelling necessity. Further, indeed, this inconsistency would arise from implication; an absolutely impossible construction.

There are words in the second Charter of Chas. I., c. 4 (1637), which confer on the Provost and a majority of the Senior Fellows the right (which existed previously in the Provost and general body of Fellows) of making regulations for the conferring of degrees, "*graduumque collationes definiant et concludant*," but long prior to this Charter, viz., at a date which Dr. Henthorn Todd (by a comparison of the dates at which the Fellows who signed these regulations, respectively attained and vacated, their offices) shows to have been between the 21st October, 1615, and 26th June, 1618,<sup>2</sup> a code of University Statutes (made by the Provost and Fellows)

<sup>1</sup> Introduction to Catalogue of Graduates of the University of Dublin, 1869, p. xxiii.

<sup>2</sup> *Ibid.*, p. xxvi.

existed and was acted on. This code recognised the existence of a *Caput Senatus Academici*. Under it the *Caput* consisted of two persons only, the Vice-Chancellor of the University and the Provost of the College. Each of these two persons had a veto for cause against every degree. In later rules the Senior Master non-regent was added to the *Caput*, which to the present day consists of these three persons, each of whom has an absolute veto. The degrees, if not vetoed by a member of the *Caput* (and supposing the private grace, which I shall refer to later on, to have been given by the Provost and Senior Fellows) were granted by a majority of the Senate.

Referring back, as I plainly must, the origin of the earliest usage as to degrees of which any evidence is forthcoming, to the period at which degrees were first granted, *i.e.*, assuming, in the absence of evidence to the contrary, that the usage of 1615 had been the usage from 1600, I have it established that Trinity College never assumed to exercise the power of granting degrees. Not only as far back as the records go were these degrees granted by, and in the name of, the University, but during all that time they could be vetoed by the Vice-Chancellor, who need not necessarily have been a member of the College, and they could be negatived, by a majority, by the Senate, none of whom except the Provost need necessarily have been at the time a member of the Corporation of the College. The true position was that the Provost could veto a degree, but that neither he nor the College could itself grant it, or insist on the University granting it.

I have referred to this at length because certain expressions used by the late Master of the Rolls in his judgment<sup>1</sup> in *Trinity College v. The University of Dublin* are in part founded upon an assumption of fact which seems to me not to be sustainable, that between the dates of the Charters of Elizabeth and James the First the degrees were conferred by the College.

Passing from 1637 to 1657 (*i.e.*, 200 years prior to the date of the Charter of Her late Majesty, Queen Victoria)<sup>2</sup> there happily is conclusive proof of the usage which has prevailed since that time to the present; a usage which for the purpose in hand may be taken to be the same as that which prevailed under the earlier Statutes. It commences with a recital that Her Majesty had been informed that the Senate or congregation of the University of Dublin, consisting of the Chancellor or Vice-Chancellor, Doctors in the several faculties, and Masters of Arts of the said University, had for the last two hundred years and upwards been governed by certain rules or statutes entitled "*Regulæ seu Consuetudines Universitatis Dubliniensis pro solenniore graduum collatione.*"

These "*Regulæ*" negative, as did the usage under the earlier Statutes, the suggestion of any attempt by the College to exercise the functions of the University. They show that the degrees were granted, as in other Universities, not by the College, but by the University through its Senate. They prescribe the time at which a supplication for each degree shall be made to the University. The time for the first degree, that of B.A., is counted from matriculation, a provision which shows (what indeed is the practice to the present time), that a student when he enters the College, and in the vast majority of cases before (by obtaining Scholarship) he is made one of its Corporation, becomes a member of the University. The same "*Regulæ*" prescribe the Acts and exercises for each degree. They confer a power of veto on each member of the *Caput*, none of whom, except the Provost, need be a member of the College Corporation, and they provide for the degree being granted by the votes of the majority of the Senate.

The Charter then proceeds to recite that it had been represented to Her Majesty that those rules and statutes had become in many respects obsolete, and that doubts had been raised whether the Provost and Senior

<sup>1</sup> *Chartae et Statuta*, Vol. II., p. 516.

<sup>2</sup> Patent 24 July (21st Vict.), 1857. *Chartae et Statuta*, Vol. II., p. 134.

Fellows of the College had power to alter them. It then confirms not only to the Provost and Senior Fellows of the College, but also to the *Chancellor or Vice-Chancellor, Doctors and Masters of the University*, all such powers, rights and privileges as, by the Charters and Statutes of Her Majesty's Royal predecessors to the Provost, Fellows and Scholars of the College or to the *University of Dublin*, had theretofore been granted or by usage and prescription possessed. It empowers the Provost and Senior Fellows to alter all laws, rules, or bye-laws theretofore existing for the more solemn *conferring of degrees by the Senate of the University*, and it incorporates the Senate under the name of "the Chancellor, Doctors, and Masters of the University of Dublin." Thus, to use the words of the Right Honourable Francis Blackburne, Vice-Chancellor of the University, used by him in giving a considered decision as Vice-Chancellor, it "recognizes and perpetuates all the functions and duties of the University and its means of exercising them in their full integrity."<sup>3</sup> All this shows that since the Charter of Elizabeth, the degrees were conferred by the Senate of the University and not by the College.

Thus it is shown that the construction which I have put upon the Charter of Elizabeth is the only one which is consistent with the subsequent usage, a construction which thus fortified by a uniform "*contemporanea expositio*" extending over three centuries, is irresistible.

It is true that by Cap. iv. of these "*Regulæ seu Consuetudines*," it is provided, following a similar provision in the earlier Code, that a public grace of the Academic Senate of the University shall not be granted unless a private grace shall have been previously approved by the Provost and Senior Fellows of the College. But so long as Trinity College was, as heretofore it has always been, the sole College of the University, this provision (save possibly as to degrees *honôris causâ*) does not trench upon the ordinary rights of a University. The University, through its College, teaches its students, and satisfies itself of their proficiency in learning and of their performance of the acts and exercises which, according to the University regulations, fit them to be presented for degrees. Here the proper function of the College, as distinguished from that of the University, terminates, and it is the performance of this Collegiate function that is provided for by Cap. iv. of the "*Regulæ*."

It is at this point that the dividing line is formed between such of the duties of a University as can be delegated to its Colleges and the functions which a University is to perform in its own proper person. It accepts or refuses to accept, as the case may be, the statement of its College as to proficiency of the student, and proceeds, in its own discretion, to determine whether that student is a person altogether worthy of the *status* which is acquired by its degree. It affirmatively appears from the whole body of these "*Regulæ*" that this function was always performed by the University itself, and not by the College.

It is quite intelligible that such a provision as that in Cap. iv. should have existed in a University with but one College prior to 1660 (when the right of the Crown to found a second College within it was first recognized by Act of Parliament), nor need we be surprised that the practice under it should have continued, and that the provision itself should have been repeated in the new "*Regulæ*" so long as by reason of the non-foundation of such second College the necessity for its alteration had not arisen.

The existence, however, of the "*Regula seu Consuetudo*," that no public grace of the Academic Senate of the University should be granted without the previous approval of the Provost and Senior Fellows of the College, accounts for the fact that the College, a body, which in its nature

<sup>3</sup> *Chartæ et Statuta*. Vol. II., page 146.

is the inferior, succeeded in capturing as it were that which in its nature was its superior, its University. Further, it seems certain that the usage in accordance with that position having been legal so long as Trinity College was the only College of the University, it cannot confer upon the former any right to its continuance after the foundation of another College, as from that time forth any such usage would plainly be contrary to the constitution of the University.

It is right now to advert to the decisions and the legal opinions which appear from the evidence to have been from time to time obtained by Trinity College as to the meaning and effect of the Charter of Elizabeth. All of them are of the highest authority, and all of them adopt or involve the construction at which I have arrived. They are five in number. Of these one is the decision of our late Master of the Rolls already referred to; another is a decision of the Visitors of the College; the third is an opinion of Mr. Francis A. Fitzgerald, Q.C., afterwards Mr. Baron Fitzgerald, for twenty-four years one of the Barons of the Exchequer in Ireland—*clarum et venerabile nomen*—than whom no more erudite or accurate Judge has adorned the Bench of Ireland or of England. It was given upon a case laid before him on behalf of the College, probably about the year 1855, and an extract from it appears as a note to the introduction by the Reverend James Henthorn Todd, one of the Senior Fellows of the College, to a Catalogue of the Graduates of Dublin University, which was published by the College in 1869.<sup>1</sup>

The fourth is one to which I have already referred. It is that of the Right Honourable Francis Blackburne, Vice-Chancellor of the University, and successively Lord Chancellor and Lord Justice of Appeal in Ireland, which was delivered by him as Vice-Chancellor of the University on the 17th November, 1858, at a Comitia of the Senate, in the course of his judgment as to the body in whom the right of appointment of the Registrar of the Senate of the University was vested. The Comitia had previously been adjourned to enable the Vice-Chancellor to consider the question deliberately. The judgment is printed and published by the College.<sup>2</sup>

The fifth is that of the Right Honourable Joseph Napier, also Vice-Chancellor of the University, and sometime Lord Chancellor of Ireland, which was published by the College in 1896.<sup>3</sup>

The legal views expressed in these decisions differ on one minor point, viz.—whether the University was or was not incorporated by the Charter of 34 Elizabeth. Mr. Baron Fitzgerald and the late Master of the Rolls, Sir Andrew Porter, were of opinion that it was not; Sir Joseph Napier, on the other hand, held that it was; whilst Mr. Blackburne does not express a decided opinion either way. All four, however, hold, or at least mention, that the University is a body distinct from the College. This is the only question that is really germane to our inquiry.

The earliest of the decisions was in 1845, when the Visitors of the College, on an appeal brought by Mr. Denis Caulfield Heron against a decision of the Board which, on account of his being a Roman Catholic, refused to appoint him a Scholar of the College (to which his answering would have otherwise entitled him), on the advice of their Assessor, the Right Honble. Richard Keatinge, then Judge of the Prerogative Court, dismissed the appeal upon the ground that the Act of 1793, and the Statutes of 1794 made thereunder, although they rendered Roman Catholics eligible to become students of the University, did not make them eligible to be members of the Corporation of the College.<sup>4</sup> This involved a decision that the University and the College were different bodies.

<sup>1</sup> Catalogue of Graduates of the University of Dublin. Dublin: Hodges, Smith, and Foster, Booksellers and Publishers to the University, 1869, page xxiii.

<sup>2</sup> Chartæ et Statuta, vol. ii., Dub., 1898, p. 146.

<sup>3</sup> Introduction to "A Catalogue of Graduates of the University," 1896.

<sup>4</sup> 9th Irish Law Reports, p. 56.

The decision of the late Master of the Rolls was made in a suit in the Chancery Division of the High Court of Justice in Ireland, in which the Corporation of Trinity College were plaintiffs and the Attorney-General, the Chancellor, Doctors and Masters of the University of Dublin and others were defendants.<sup>1</sup> The object of the suit was to obtain the approval of the Court to schemes for the regulation of three charitable bequests contained in the will of one Richard Tuohill Reid, of which the first was "to the Librarian for the time being of the University of Dublin"; and of which another was "to the Corporation of the University of Dublin to endow in it a professorship of penal legislation."

The principal question in the suit was whether "the University of Dublin" was a Corporation: if it were, it was admitted in the judgment that it would have been entitled to the second bequest. This question the Master of the Rolls decided in the negative (thereby disaffirming the right of the University to the legacy), on the ground that the University was not incorporated by the Charter of Elizabeth, that the incorporation effected by the letters patent of the 21st of the Queen was an incorporation, not of the University, but of its Senate, and consequently that the University did not answer the description of the legatee. Thus the very *ratio decidendi* there involved the exclusion of the identity of the two bodies, as an unincorporated body cannot be identical with a Corporation. The decision, therefore, so far from being against the view I take, is a distinct *judicial* decision in support of it, and is one which, I venture to think, there being no decision the other way, this Commission ought to have adopted and acted upon, whatever may have been the individual opinion of any of its members.

There was, however, a second question in that suit. Once it was decided that the University was not a Corporation, and, therefore, did not "with strict accuracy," answer the description in the will, then His Honor had to determine which was the body which the Testator intended to benefit, and this turned upon the occurrence in the bequests of such words as "Board," "Sizarship," "Librarian," etc., which answered the description of existing things in the College to which there were no equivalents in the University. Upon a consideration of these words, the Master of the Rolls held that the Corporation of Trinity College was the body that the Testator had in view and meant to benefit.

It is in reference to this question, one of intention, that the words relied upon by the authorities of Trinity College were used. In determining such a question a judge must place himself, as far as possible, in the position in which the Testator was at the time of his will. As to this His Honor says—"The Testator had left the College and University long before the Senate was incorporated or the Council heard of. It was to Trinity College and its University of Dublin, inseparably and indistinguishably blended with it, that he owed his training and his degree." These words cannot be taken as judicially expressing any opinion as to the legal effect of the Charter. To do so would be repugnant to the decision in the same judgment on the legal question. They referred to the College and the University in their outward presentation, in their buildings and their officers, as they would appear to the Testator, to whom, very naturally, they would seem to be one undivided whole.

The question as to which they were used is one which relates to the College and University not objectively but subjectively, not to that which they actually were, but to that which the Testator showed that he believed them to be. In another passage the Master of the Rolls says—"The College was supreme and the University was a branch or department of it, if indeed the College itself was not more accurately the University itself." He also assumes that which I have shown to be erroneous, in fact that during the time which intervened between the Charters of Elizabeth and James I., the degrees were granted by the College. Every word which falls from Sir Andrew Porter carries with it immense weight. Viewed in the light of the facts before this Commission,

<sup>1</sup> Chartae et Statuta, Vol. II., page 507, *et seq.*

some of which were unknown to him, whilst his *actual decision* was unquestionably right, no one, I think, would be more ready than Sir Andrew Porter himself to admit that the technical accuracy of words attributed to him in an unrevised judgment, words which did not constitute part of his *ratio decidendi*, and were not intended to define any legal right, may be open to reconsideration, when they are relied on not only as a determination of that legal right, but as a determination of it contrary to a decision contained in the same judgment upon the same legal right. Be this, however, as it may, the decision and the actual ground of it are in favour of my construction of the Charter.

To sum up—I have the College described in the Charter, not as *Universitas*, but as *Mater Universitatis*, I have each student of the College given University privileges in a body which is not the College, but which is sufficiently described by its designated officers (for whose perpetual existence provision is duly made), I have, therefore, power implied in this body to confer these University privileges thus assured to the student:—in other words, I have a *Universitas*, and I have the function of the College as *Mater Universitatis* fulfilled by its very constitution, I have the usage as far back as the records have been proved (practically from the earliest commencements), of the degrees being granted by it and not by the College, I have the model on which the University is founded, a University with many Colleges, a characteristic which I find is carried into the constitution of this College. I have this characteristic recognised by the Crown in 1613, and later on by Acts of Parliament, which were based upon it and made provision for taxation on this basis, I have a confirmation by the Crown in the Charter of 1857 of the theretofore uniform existing usage and of all that had theretofore been done in the granting of degrees, and finally I have an incorporation of the Senate of the University for the more convenient continuance (subject to necessary change) of the previous usage.

All these facts taken together show, to my mind conclusively, irrespective altogether of the decisions and opinions referred to, that the College is distinct from the University; and that it has not, never had, and indeed never claimed, the privileges of a University.

The bearing of Mr. Baron Fitzgerald's opinion is so close to the question under discussion that I quote it at length.

"What the Charter of Elizabeth does after constituting the Provost, Fellows, and Scholars a corporation, 'matrem Universitatis' is to give to all the *Studiosi* in the College (including to be sure the members of the corporation in their individual capacities, but comprehending also every student to be admitted to the College) the privilege of obtaining Degrees, and for that purpose, of performing all such acts and exercises as the Provost and major part of the Fellows of the College should think fit, and of electing, creating and appointing all proper officers for that purpose with the exception of a Chancellor, whose first appointment is made by the Charter itself, and whose subsequent appointment is to belong to the Provost and major part of the Fellows.

"Nothing appears to be more clear (notwithstanding the singular mode of punctuation adopted in the printed form of the Statutes, which, I may observe, is not followed, and, indeed, could not well be, in the recital of the same Charter by Charles I.) than that the only University privileges mentioned were given not to the Corporation of the College, or to those particular students who alone are members of the Corporation, but to each and every student admitted to the College as well."<sup>1</sup>

And, in expounding the meaning of *Mater Universitatis*, he refers as a consequence of this view to the effect upon the University which would be produced by the very matter now under consideration, the foundation of a new College within it. He says:—

"The consequence of this, of course, would be that, by the mere creation of any other College in the University, each and every *studiosus* admitted to it, whether belonging to that new College Corporation or not, would become entitled to the University privileges.

<sup>1</sup> Introduction to the Catalogue of Graduates of the University of Dublin (1869), page xxiv.

"This is what I apprehend is meant by *Mater Universitatis*; every alumnus of the College, and not merely the proper members of that Corporation, became by being such alumnus entitled to University privileges and a member of the University. The College was *Mater Universitatis* because by the first foundation her children, and her children only, constituted the University."<sup>1</sup>

The decision of Mr. Blackburne contains the following sentences:—

"Through the agency of the Chancellor, or the Vice-Chancellor, and other proper officers for whose perpetual appointment the Crown made ample provision, the power to grant degrees was insured to continue for all time. So, and in like manner, the succession of members of the Senate was to be for ever supplied out of the members of another body expressly incorporated. The state of things which continued for above 250 years was in exact conformity with the intentions which these provisions indicate. . . . The Legislature and the Crown, from the earliest period down to the time of the last Charter, have recognised and treated the University as a body corporate, but what is directly to the purpose is that this Charter of the Queen [i.e., that of 21 Vict.], recognises and perpetuates all the functions and duties of the University, and its means of exercising them in their full integrity."<sup>2</sup>

An extract from the opinion of Sir Joseph Napier is printed in the Appendix.<sup>3</sup> From it I take the following passages:—

"In ['The Introduction to the Book of Graduates,'] reference is made to the official records, whereby it is shown that the 'University consisted in Temple's time, as it does now, of the Chancellor or Vice-Chancellor, with the Congregation of Doctors and Masters who constitute the Senate and Caput Senatus Academici.' Temple was Provost of Trinity College from November, A.D. 1609 until January, A.D. 1627; and therefore the University and its Senate, as above described, could only have been constituted under the Charter of 34 Elizabeth, A.D. 1592.

"In interpreting this Charter it is proper to consider the circumstances under which it was granted, and which must be supposed to have been present to the mind of the Queen and her official advisers at the time of making the grant. Express reference is made to the Universities of Cambridge and Oxford; and the clause in which power is given to elect the proper officers, for the purpose of having degrees conferred, must be taken to mean such as there were in these Universities for the like purpose. Three of these officers are expressly named—the Chancellor, Vice-Chancellor, and Proctor or Proctors. A like reference is impliedly made as to the degrees, and the 'idoneum tempus' at which they were to be conferred—et sic de similibus.

"I have therefore been led to conclude that, inasmuch as the College is described in the first part of this Charter as '*mater Universitatis*,' and express reference is made therein to the Universities of Cambridge and Oxford, and in the latter part a like reference is plainly to be implied, the University to be brought forth was intended to be constituted on the model of these, so far, at least, as related to what belonged to a '*Universitas*,' in its then accepted meaning.

"The designation of '*mater Universitatis*' was appropriate, as well because the *studiosi*, who were to be admitted to take degrees, were to be supplied by the College, as because the prescribing of the preliminaries and conditions of graduation, the appointment of University officers (except the first Chancellor), and the making of regulations for conferring degrees, were confided to the governing body of the College.

"If the Charter of Queen Elizabeth be looked at, without reference to what was done under its provisions, it is likely to be (and it often has been) misunderstood to have merely founded a College with University privileges. But when the whole matter shall be duly considered, it will appear that the University designed by and constituted under this Charter was intended to be, and was a distinct incorporation.

"The Charter of King Charles I. is dated A.D. 1637. It is important to bear in mind how matters stood at the time when this Charter was granted. The '*Universitas*' designed by the Charter of Queen Elizabeth had been constituted by the Provost and Fellows of the College in pursuance of its provisions. The Senate was governed by a code of regulations drawn up and approved under the power impliedly granted. A period of gestation (if I might so say) had been required before the University could thus have been brought to the birth. As the design was that it should come from the womb of the College, privileges had been conferred on the *studiosi*, and powers given to the Provost and Fellows of the College, by which provision was made for the constitution and continuance of a proper staff of University officers, and of a body of accredited teachers.

<sup>1</sup> Introduction to the Catalogue of Graduates of the University of Dublin (1869), page xxiv.

<sup>2</sup> Chartae et Statuta, Vol. II., pages 145-6.

<sup>3</sup> Appendix to Final Report. Document No. lxxxv.



But after the holding of Commencements (which first took place A.D. 1600, *juxta tempus idoneum, i.e.*, seven years after the foundation of the College), the University was brought to the birth, and thenceforth it was distinct from, although dependent on, its mater—the College. As thus constituted, and as it then existed, it was recognised by the Charter of King Charles I. as ‘*Academia sive Universitas*.’ The Chancellor, who had been described in the Charter of Elizabeth as Chancellor of the College (at a time when the University existed only in intendment and consideration of law) is designated in the Charter of King Charles I. as Chancellor ‘*Academiæ sive Universitatis prædictæ*.’

“The University is not the less a distinct body because the College supplies the *studiosi* whom it prepares for their first degree in Arts, and for availing themselves of the teaching of the Professors of the University to qualify them for the higher degrees. It would be strange, if not absurd, to have designated the College as ‘*Mater Universitatis*’ if the University was not to be regarded as distinct from the College.

“So far the intention is manifest that the University should be a distinct but not an independent body. With its appropriate head, its succession of Doctors and Masters, its perpetuity of privilege, its proper officers, its Senate, its professors and schools, and its *leges Academiæ*, it is (as it seems to me), a distinct incorporation.”

As against all this, the only matters that can be relied on are some recitals, possibly erroneous, or some misnomers, in other Charters or Acts of Parliament, and the passages I have already referred to from the judgment of the Master of the Rolls.

The most important of the first class of matters are, first, a recital in the Charter 11 Jac. I. of the Elizabethan Charter in these words:—“*cumque dictum Collegium sit et habeatur Universitas, ac habeat, gaudeat, et utatur omnibus et singulis libertatibus, privilegiis, et immunitatibus ad Universitatem sive academiam pertinentibus sive spectantibus.*”<sup>1</sup> And, secondly, the words “*et Academia privilegiis ornavit,*” which occur in a recital of the Charter of Elizabeth in the second Patent of 13th Chas. I. As to these recitals, Mr. Baron Fitzgerald, in the opinion already referred to, says:—

“There is nothing that I can find, either in the Charter or Statutes of Charles or any other Statutes or Charter, to take away further the University privileges given by the Charter of Elizabeth to the whole body of Students, and in my judgment each and every Graduate and each and every Student admitted to Trinity College and matriculated was antecedently to the Letter Patent of the Queen” [meaning the Letter Patent of the 21st Vic.], “and is a member of the University in the only sense in which the University had or has an existence.

“It is, I apprehend, in this sense, that the Letter Patent of James I. recites that Trinity College is, and is accounted an University, and has the privileges of an University, and that the Charter of Charles describes it as a College with the privileges of an University; not that the privileges belong to it *qua* Corporation, but because the privileges do belong to its alumni, and to its alumni only.”<sup>2</sup>

Sir Joseph Napier’s opinion as to them is substantially the same. At best, however, the statements are mere recitals of documents now forthcoming.

The misnomers and erroneous references to the College in some of the Acts of Parliament and Charters mentioned in the Memorandum appended to the Report, are not, in my opinion, of any weight whatsoever on the construction of the Charter which is now forthcoming.

Upon the whole, then, I am clearly of opinion that Trinity College is a body distinct from the University, and that it has not, never had, and is not shown by the evidence before the Commission to have claimed the privileges of a University.

If I am right in this, it follows that the College has no legal *status* to complain of the foundation of a second College alongside of itself in the University. Such a change may be made by the Crown against the will of

<sup>1</sup> *Chartæ et Statuta*, Vol. I., page 309.

<sup>2</sup> *Catalogue of Graduates of the University of Dublin* (1869), page xxv.

the College, and without invading its legal rights. Its foundation, even without the authority of Parliament, would not require the acceptance by the College of a new Charter. In law it is an accident that Trinity College has so long remained the sole College of the University, an accident by which that College has not acquired any additional rights. It follows then that no alteration of its present *status* of being sole College in the University can inflict upon it any legal wrong.

So, too, the foundation of a second College without the consent of the University would not be an invasion of the legal rights of the latter, for although such a body may refuse to accept a new Charter *altering its constitution*, a Charter founding such a second College so far from altering the constitution of the University, would do no more than give effect to the intentions of its founder, and would be authorised by the Act of Settlement and by the Roman Catholic Relief Act of 1793.

C. PALLES. (L.S.)

### No. V.

#### NOTE BY PROFESSOR JACKSON.

Agreeing with my colleagues in their suggestions for the internal reform of Trinity College, I am obliged to distinguish in regard to the proposals for the solution of the religious problem. For, whilst I disapprove the proposal to create a new College in the Royal University, I find it necessary to qualify my assent to the scheme for the enlargement of the University of Dublin.

The scheme recommended by Lord Robertson's Commission is approved by the Roman Catholic Hierarchy, conflicts less directly with the views of the Fellows of Trinity College than the scheme for the enlargement of the University of Dublin, and is decidedly preferred to that scheme by the chief Colleges which feed the Royal University—namely, University College, Dublin, and the Queen's Colleges of Belfast, Cork, and Galway. It is here then that, as has been pointed out, the line of least resistance is found. But (1) if the Royal University scheme excites no hostility, it evokes no enthusiasm; (2) the reconstructed Royal University would have within it no College with an established reputation; (3) whereas, in my opinion, Trinity College would gain by alliance with other institutions, Trinity College would thus be left isolated; (4) association of Colleges in the Royal University would do little or nothing to promote friendly relations between young men of different creeds; and (5) inasmuch as the several Colleges concerned make no secret of their desire for separate existence, disruption in the near future would be inevitable. For these reasons, and, above all, on account of the instability of the federation, I cannot approve this project. I think that it is unsatisfactory in itself, and that it would promote and perpetuate collegiate isolation and religious disunion.

The scheme for the enlargement of the University of Dublin by adding to Trinity College three or perhaps four other Colleges—a College, without tests, but with a Roman Catholic atmosphere, in Dublin, and the Queen's Colleges of Belfast, Cork, and perhaps Galway—seems to me, not only vastly superior to the Royal University scheme, but also positively a good one. It appears to me (1) to establish right relations between the University of Dublin and Trinity College; (2) to strengthen Trinity College by providing supplementary teaching to which its students might be

admitted under intercollegiate agreements; (3) to give to the other constituent Colleges the countenance and the support of their great and illustrious rival; (4) to do something considerable for the promotion of friendly relations between young men of different creeds; and (5) whilst it secures to Trinity College unimpaired its present status as a College resorted to by the educated class and principally concerned with Arts (in the academic sense of the word) and with theoretical sciences, to strengthen the provincial Colleges which are already doing so much for students who are not in a position to resort to Trinity College and for the technical applications of scientific discovery. In my opinion, Trinity College, as the premier College in a University of Dublin thus enlarged, would have even a greater position than it has at present as the one College in the University of Dublin, whilst alliance with it would secure the other Colleges against the dangers of narrowness and provincialism. Given friendly relations between the constituent Colleges, I should expect such a federation to prosper exceedingly, both as a whole and in its several members, and I should have no fear for its stability.

Unhappily, the representatives of the Colleges do not see the matter in this light. Trinity College is, not unnaturally, unwilling to see other Colleges associated with itself in the University of Dublin: Belfast, Cork, and Galway, are afraid of alliance with a College which is confessedly their superior in age, wealth, and learning: and University College, Dublin, though it is willing—at any rate, for the moment—to join itself with Belfast, Cork, and Galway, in the Royal University, shrinks, like those Colleges, from association with Trinity College in the University of Dublin. When those who would have to live and work under the scheme are thus hostile to it, I do not think myself warranted in positively recommending an immediate attempt to carry it into effect. In my judgment, an institution started under such conditions would be heavily weighted; and failure—if that should be the result—inasmuch as it would discredit what I regard as the only sound policy, would be disastrous. The fear of such a result, and this fear only, makes me hesitate to recommend immediate legislation with a view to the reconstruction of the University of Dublin in the manner proposed.

In a word, I am convinced that this scheme is such as to provide for the academic needs of Ireland, and to allay religious and political animosities; but, noting the reluctance of the official representatives of the Colleges concerned, I am not prepared to take the responsibility of recommending immediate action.

HENRY JACKSON. (L.S.)

**No. VI.****FURTHER NOTE BY DR. DOUGLAS HYDE AND DR. COFFEY**

While our conclusions are fully set forth in Notes II. and III., we wish to state that our reasons for arriving at such conclusions do not include any objection to having two teaching Universities in Dublin.

Two such Universities in Dublin will become necessary to effect a solution of the Irish University question if the recommendations that we make in those Notes should not be carried into effect.

DOUGLAS HYDE. (L.S.)  
DENIS J. COFFEY. (L.S.)

**No. VII.****NOTE BY MR. KELLEHER.**

I have considered carefully the demand for the establishment of a College for Catholics in Dublin.

I believe that the demand is unreasonable, and could not be conceded without grave injury to the interests of Irish lay Catholics, and grave danger, at no distant date, to the peace of the country.

I am, therefore, very strongly of opinion that such a College ought not to be established by the State.

S. B. KELLEHER. (L.S.)

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## MEMORANDUM ON THE RELATION BETWEEN THE COLLEGE AND THE UNIVERSITY.

The College is founded by a Charter 34th Elizabeth (1592),<sup>1</sup> which contains the following words :—

“Sciatis quod nos pro eâ curâ quam de juventute regni nostri Hiberniæ piè et liberalitèr instituenda singularem habemus . . . . . volumus, concedimus, et ordinamus . . . . . quod de cætero sit, et erit unum Collegium Mater Universitatis in quodam loco vocato Allhallowes juxta Dublin prædictum . . . . . et quod erit, et vocabitur Collegium Sanctæ et Individuæ Trinitatis juxta Dublin a Serenissima Regina Elizabetha fundatum. Ac illud Collegium de uno Praeposito, et de tribus Sociis nomine plurium, et tribus Scholaribus nomine plurium, in perpetuum continuaturum erigimus, ordinamus, creamus, fundamus, et stabilimus firmitèr per præsentès.”

The Charter then proceeds in apt and technical words to incorporate the College by the name of “Praepositi, sociorum, et scholarium Collegii Sanctæ Trinitatis Elizabethæ Reginae juxta Dublin,” to license it to hold lands, to empower it to sue and be sued by its corporate name, and to have a common seal. It then proceeds in these words :—

“Insuper concedimus, et licenciamus, Præposito, et Sociis ejusdem Collegii, ut leges, statuta, et ordinationes, pro suo Collegio piè et fidelitèr gubernando, de tempore in tempus, in perpetuum faciant, constituent, et confirment : et ut quascunque leges bene constitutas senserint in alterutra nostrâ Academiâ Cantabrigiensi, aut Oxoniensi, modo sibi aptas, et accommodas judicaverint, intra se stabiliant.”

The Charter then proceeds in the following words which are the only ones contained in it capable of founding a University :—

“Et cum gradus quosdam in artibus et facultatibus constitui literis fuisse adjumento compertum sit, ordinamus per præsentès ut studiosi in hoc Collegio Sanctæ et Individuæ Trinitatis Elizabethæ Reginae juxta Dublin LIBERTATEM ET FACULTATEM HABEANT, GRADUS TUM BACCALAUREATUS MAGISTERII ET DOCTORATUS JUXTA TEMPUS IDONEUM IN OMNIBUS ARTIBUS ET FACULTATIBUS OBTINENDI . . . . . et ut intra se pro hujusmodi gradibus assequendis habeant libertatem omnia acta et scholastica exercitia adimplendi quemadmodum Praeposito et majori parti sociorum visum fuerit, AC UT OMNES PERSONAS PRO HUIUSMODI REBUS MELIUS PROMOVENDIS, ELIGERE, CREARE, NOMINARE, ET ORDINARE POSSINT, SIVE SIT PROCANCELLARIUS, PROCURATOR, AUT PROCURATORES (nam Cancellarii dignitatem honoratissimo et fidelissimo Consiliario nostro Gulielmo Cecilio Domino Baroni de Burghley totius Angliæ Thesaurario delegatum approbamus) et ut posthac idoneam hujusmodi personam cum defuerit pro hujus Collegii Cancellario PRAEPOSITUS, ET MAJOR PARS SOCIORUM ELIGANT ORDINAMUS.”

About the year 1855 the College laid a case before the late Mr. Francis A. Fitzgerald, Q.C., who afterwards was for twenty-four years one of the Barons of the Exchequer in Ireland, to obtain his opinion as to the meaning and effect of the words ‘mater Universitatis’ as used in the Charter. An extract from his opinion was published as a note to the introduction by the Reverend James Henthorn Todd, one of the Senior Fellows of the College, to a Catalogue of Graduates of Dublin University, published by the College in 1869.

Mr. Fitzgerald’s opinion was as follows<sup>2</sup> :—

“What the Charter of Elizabeth does after constituting the Provost, Fellows, and Scholars a corporation, ‘matrem Universitatis’ is to give all the *Studiosi* in the College (including to be sure the members of the corporation in their individual capacities, but comprehending also every student to be admitted to the College) the privilege of obtaining Degrees, and for that purpose, of performing all such acts and exercises as the Provost and major part of the Fellows of the College should think fit, and of electing, creating and appointing all proper officers for that purpose with the exception of a Chancellor, whose first appointment is made by the Charter itself, and whose subsequent appointment is to belong to the Provost and major part of the Fellows.

“Nothing appears to be more clear (notwithstanding the singular mode of punctuation adopted in the printed form of the Statutes, which I may observe, is not followed, and, indeed, could not well be in the recital of the same Charter by Charles I.) than that the only University privileges mentioned were given not to the Corporation of the College, or to those particular students who alone are members of the Corporation, but to each and every student admitted to the College as well.

(<sup>1</sup>) Chartæ et Statuta, Vol. I., page 1.

(<sup>2</sup>) Appendix to Final Report, Document No. LXXXIV.

"The consequence of this, of course, would be that, by the mere creation of any other College in the University, each and every *studiosus* admitted to it, whether belonging to that new College Corporation or not, would become entitled to the University privileges.

"This is what I apprehend is meant by *Mater Universitatis*; every alumnus of the College, and not merely the proper members of that Corporation, became by being such alumnus entitled to University privileges and a member of the University. The College was *Mater Universitatis* because by the first foundation her children, and her children only, constituted the University."

The meaning of the same words "*mater Universitatis*" as used in this Charter was the subject of a dissertation by Sir Joseph Napier, sometime Lord Chancellor of Ireland and Vice-Chancellor of the University.<sup>1</sup> His view was that the College was created bearing *in gremio* the University: that the period between the constitution of the College and the first conferring of degrees was a period of gestation: and that on the first holding of commencements in 1600, the University was born.

In 1613 James I., by letters patent<sup>2</sup> conferred on the College and the University the privilege of electing two burgesses to Parliament. It begins by reciting the letters patent of Queen Elizabeth, and adds:—"Cumque dictum Collegium sit et habeatur Universitas ac habeat, gaudeat, et utatur omnibus et singulis libertatibus, privilegiis, et immunitatibus ad universitatem sive academiam pertinentibus sive spectantibus."

Then follows a further recital:—"Quandoquidem in Parliamentis tenendis in dicto regno nostro Hiberniæ, diversi actus sive statuta proponi et inactitari poterint tam pro bono ecclesiæ generali, quam pro sana gubernatione et regimine Collegii et universitatis prædictæ, et pro dispositione ac preservatione reddituum, revenditionum, et possessionum dicti Collegii, et aliorum Collegiorum sive aularum in dicta Universitate in posterum erigendarum et stabiliendarum: idcirco operæ pretium et necessarium videtur quod dictum Collegium et universitas habeant plenam et absolutam potestatem duos burgenses de seipsis eligendo . . . ." The operative part of the Charter is a grant to the Provost, Fellows and Scholars of the College, "quod sint et erunt in dicto Collegio ac Universitate juxta Dublin duo burgenses parlamenti nostri . . ."—the burgesses were to be two discreet and sufficient men "de prædicto Collegio et Universitate."

The next Charter is that of 13 Charles I., which bears date 1637.<sup>3</sup> It confirms the Charter of Elizabeth, and provides, with the consent of the Provost, Fellows, and Scholars, that Fellows should not be removed at the end of seven years, as provided by the Charter of Elizabeth: recalls the power of the Provost and Fellows to make statutes and ordinances, and reserves that power to the Crown; repeals those already made, and substitutes an amended code.

In further Letters Patent of the same year (13 Charles I.)<sup>4</sup> there is the following:—"Quod et reipsa fecit regina Elizabetha celebris memoriæ Collegium sanctæ Trinitatis juxta urbem Dubliniensem extruendo; quod etiam annuis redditibus dotavit et academiciæ privilegiis ornavit." These Letters Patent then proceed to establish certain laws for the government of the College. The Provost and seven senior Fellows are to form a Board, whose powers are thus defined:—

"Horum autem auctoritas, qualis esse debeat, hic, et partim aliis variis statutis Collegii exponitur. Volumus igitur, ut Præpositus, et horum seniorum pars major (nempe quatuor) Collegii regimen, electiones omnes Sociorum, Officiariorum, Discipulorum, et Ministrorum Collegii, graduumque collationes definiant, et concludant."

A code of University Statutes had, however, been previously made and acted upon, the date of which has been fixed by Dr. Stubbs<sup>5</sup> as being later than 1614 and before 1617. It

(<sup>1</sup>) Appendix to Final Report. Document No. LXXXV.

(<sup>2</sup>) *Chartæ et Statuta*, Vol. II., p. 307.

(<sup>3</sup>) *Ibid.*, Vol. I., page 10.

(<sup>4</sup>) *Ibid.*, page 29.

(<sup>5</sup>) Stubbs's *History of the University of Dublin*, p. 38.

recognised the existence of a *Caput Senatus Academiae*, which doubtless had been created in analogy to the Governing Bodies of the Universities of Cambridge and Oxford. At first the *Caput* consisted of two persons only, the Vice-Chancellor of the University and the Provost of the College. Each of these two persons had a veto on every degree. Later on the Senior Master non-regent was added to the *Caput*, which to the present day consists of these three persons, each of whom has an absolute veto. The graces for the degrees, if not vetoed by a member of the *Caput* and if the private grace had been granted by the Provost and Senior Fellows, were passed by a majority of the Senate.

In 1778 there were published for the first time certain "*Consuetudines seu Regulæ Universitatis Dubliniensis pro solenniori graduum collatione*,"<sup>1</sup> which appear from a recital in the patent of Her late Majesty of 24th July, 1857 (21 Vict.)<sup>2</sup> to have governed the University for the last two hundred years and upwards.

These *Regulæ* prescribe the time at which a supplication for each degree shall be made to the University, that in respect of the first, the A.B. degree, being counted from matriculation, thus showing that which is the practice to the present time, that the student when he enters the College and before he becomes a member of the College Corporation is made a member of the University by matriculation. They prescribe the Acts and exercises for each degree. They confer a power of veto on each member of the *Caput*, including the Vice-Chancellor, and they provide for the degree being granted by the votes of the majority of the Senate.

By the Irish Act of Settlement, 1660 (14 & 15 Car. II., Sec. CCXIX.) power is given to the Lord Lieutenant, with the consent of the Privy Council, "to erect another College to be of the University of Dublin, to be called by the name of the King's College"; and out of certain lands vested by this Act in the Crown "to raise a yearly allowance for ever not exceeding £2,000 per annum . . . and therewith to endow the said College . . ."

In 1674 Charles II. issued a royal letter in relation to the professorship of Divinity.<sup>3</sup> "Wee are informed," he says, "that there hath been for these many years and still is a Professor of Divinity in that our University and Colledge of the holy and undivided Trinity near Dublin." The operative part directs that Dr. Ward shall be "continued in the said place of Divinity Professor of our said University and Colledge near Dublin."

In 1682 King William and Queen Mary, by a Charter dated 15th December, 1682,<sup>4</sup> incorporated the King's and Queen's College of Physicians in Ireland, and provided, amongst other things, that all graduates in physics of the University of Dublin, having performed their full acts, should, upon application, be admitted into the newly constituted College of Physicians. This appears to be the first occasion where the University is referred to in any formal document under the name which it now uses.

By the Act of 10 Geo. I., 1723, it was enacted that "there be founded, established and continued for ever in the said College two public lectures (that is to say) one of Oratory and History and the other of Natural and Experimental Philosophy."<sup>5</sup>

The next relevant document is the letters patent of 1 George III., 1761.<sup>6</sup> After reciting an increase in the income of the College, and referring to the Divinity professorship as existing in the College, it authorizes the creation of two new professorships, respectively, of Feudal and English Law and of Greek in the College: but in the statutes which are embodied in the letters patent the Legal professorship is said to be established in the University "in eadem Academia," *i.e.*, "in Academia illustrissima Dubliniense."

(1) *Chartæ et Statuta*, Vol. I., page 162.

(2) *Ibid.*, Vol. II., page 134.

(3) *Ibid.*, Vol. I., pages 112-115.

(4) *Ibid.*, Vol. I., pages 230-238.

(5) *Ibid.*, Vol. I., page 127.

(6) *Ibid.*, Vol. I., page 150.



A statute was passed in the year 1785, 25 Geo. III., c. 42, in relation to a School of Physic in Dublin. It recited that three lectureships had many years since been established "in the University of this Kingdom" for the teaching of anatomy, surgery, chemistry and botany, and it enacted that there should be three professorships "in the University of this Kingdom," which should be called University Professors, to teach the before-mentioned subjects, and that the Professors were to be elected in the usual manner by the Provost and Senior Fellows.<sup>1</sup>

The Act of the Irish parliament of 1793, 33 Geo. III., cap. 11, "for the Relief of His Majesty's Popish or Roman Catholic subjects of Ireland," by section 7 enacts that it shall be lawful for persons professing the Roman Catholic religion, without taking any other oath than one prescribed by the statute, amongst other things, "to hold or take degrees, or any professorship in, or be masters, or fellows of any college to be hereafter founded in this kingdom, provided that such College shall be a member of the University of Dublin, and shall not be founded exclusively for the education of" Roman Catholics, nor consist exclusively of Roman Catholic masters, fellows and other persons on its foundation. But the same section expressly excludes Trinity College from the bodies corporate of which Roman Catholics may become members. Furthermore, the Act by section 13 made provision for the admission of Roman Catholics to the degrees of the University of Dublin without subscribing any declaration or taking any oath other than the oaths of allegiance and abjuration. This clause refers to the degrees as being in the University, but to the statutes which regulate admission to degrees, as being statutes of the College.

The alterations in the statutes of the College necessary to give effect to the intention of the 13th section of the last-mentioned Act were effected by letters patent of 34 Geo. III., 1794, which provide that it shall be lawful for Roman Catholics "in dictum Collegium admitti, atque gradus in dictâ academiâ obtinere."<sup>2</sup>

In the Act of Union of 1800 (40 Geo. III., c. 48), in conferring the right of representation in the parliament of the United Kingdom on certain bodies, speaks of "one for the University of Trinity College";<sup>3</sup> whilst the Reform Act of 1832 describes the same member "a member to serve in parliament for the University of Dublin,"<sup>4</sup> and in Section 60 refers to persons who may obtain "a scholarship or fellowship in the said University."

The letters patent of her late Majesty, 31 January, 1855,<sup>5</sup> in an early recital contain a reference to "the statutes whereby our College and University of the holy and undivided Trinity of Queen Elizabeth near Dublin is now governed," and the operative part establishes "the following statute as and for a statute of and for our said College and University."

By a Royal Warrant bearing date 14th April, 1851, Her late Majesty appointed Commissioners to inquire into "the state, discipline, studies and revenues of Our University of Dublin, and the College of the Holy and Undivided Trinity therein; and of all and singular the Colleges and Schools in Our said University."

Two years later Her late Majesty, by letters patent of the 24th July, 1857,<sup>6</sup> confirmed to the Provost and Senior Fellows of the College, and to the Chancellor or Vice-Chancellor, Doctors and Masters of the University all such rights and privileges as by the Charters of her predecessors had been granted to the Provost, Fellows and Scholars of the College or to the University of Dublin. By the same document, Her Majesty granted certain powers of amending and altering the "*Regulæ seu Consuetudines*" before mentioned, and by these letters patent Her Majesty incorporated the Senate of the University under the style of the Chancellor, Doctors and Masters of the University of Dublin.

(1) *Chartae et Statuta*, Vol. I., pages 185-6.

(2) *Ibid.*, Vol. I., page 207.

(3) *Ibid.*, Vol. I., page 315.

(4) *Ibid.*, Vol. I., page 317.

(5) *Ibid.*, Vol. II., page 59.

(6) *Ibid.*, Vol. II., page 134.

In 1845 the Visitors of the College heard an appeal brought by Mr. Denis Caufield Heron against a decision of the Board of the College, which, on account of his being a Roman Catholic, refused to appoint him a Scholar of the College, to which his answering would have entitled him had he been an Episcopalian Protestant. The Visitors appointed as their Assessor the Right Honble. Richard Keatinge, then Judge of the Prerogative Court, on whose advice the Visitors dismissed the appeal upon the ground that although the Act of 1793 rendered Roman Catholics eligible to become students of the University, it did not make them eligible to be members of the Corporation of the College.<sup>1</sup>

The last document relevant to this matter is a judgment<sup>2</sup> delivered on 2nd June, 1888, by the late Master of the Rolls in Ireland (the Rt. Honble. Sir Andrew M. Porter, Bart.), in a suit in the Chancery division of the High Court of Justice in Ireland, in which the Corporation of Trinity College were plaintiffs and the Attorney-General, the Chancellor, Doctors and Masters of the University of Dublin and others were defendants. The object of the suit was to obtain the approval of the Court to schemes for the regulation of three charitable bequests contained in the will of one Richard Tuohill Reid, of which the first was "to the Librarian for the time being of the University of Dublin"; the second was "to the Corporation of the University of Dublin to endow in it a professorship of penal legislation," with a proviso empowering the Board of the University to assign certain other duties to the Professor and to award prizes annually for proficiency in that branch of legal science; and the third was "to the Corporation of the University of Dublin" to found in Trinity College, Dublin, additional Sizarships or Exhibitions, with power to the Board to determine the annual stipend, or the privileges in lieu thereof, to be allowed to each Exhibitioner.

The principal question in the suit was whether "the University of Dublin" was a Corporation—if it were, it was entitled to the second and third bequests. This question the Master of the Rolls decided in the negative;—thereby disaffirming the right of the University to the legacies. He held that the University was not incorporated by the Charter of Elizabeth, and that the incorporation effected by the letters patent of the 21st of the Queen was an incorporation, not of the University, but of its Senate. A further question was discussed at some length in that judgment, viz., assuming that the University was not incorporated, so that there was no body which, "with strict accuracy," answered the description of the legatee, what body, if any, was entitled to take.

That question is irrelevant here, but there are, however, passages in the judgment upon it which, it has been suggested, indicate the opinion of his Honor either that the University and the College were the one identical body or that the College, without being a University, had what have been called "University powers." Those passages are as follows:—

After stating the Charter of 1592, and stating that no other Charter or Letters Patent, was granted during Elizabeth's reign, he proceeds:—

"In 1613, further Letters Patent were granted by King James I. An interval of twenty-one years therefore had elapsed between them and the Charter of Elizabeth; and that degrees must during that interval have been conferred on students of the College appears to me to be beyond doubt. Therefore it must have been considered that the Charter of Elizabeth, *proprio vigore*, conferred upon the College power to grant degrees. Some body, duly authorized by the Crown, must have conferred them: since the granting of degrees is a branch of the Royal prerogative, the Crown being the fountain of honour. The Chancellor, Vice-Chancellor, and Proctors were not incorporated; the Provost, Fellows, and Scholars were: and it follows that they must have conferred the degrees in the interval between the Charter of Elizabeth and that of James I., though, no doubt, in this the College acted through the Vice-Chancellor."

(1) 9th Irish Law Reports, p. 56. Appendix to Final Report, Document No. LXXXIII.

(2) Chartae et Statuta, Vol. II., page 507. Appendix to Final Report, Document No. LXXXVI.

Later on, after stating the Letters Patent of the 34 George III. (A.D. 1794), he says :—

“Now, pausing here, if nothing else had happened, what was the position of the University of Dublin? There was no separate incorporation of it. If there had been, it must have been by Royal Charter by virtue of the prerogative of the Crown. There was no express creation of it apart from the College. The College had the power of electing the Chancellor and the other officers, and of ‘defining and determining’ the conferring of degrees. The College was supreme; and the University was a branch or department of it, if indeed the College itself was not more accurately the University. That it was so considered by the framers of the Charter of James I. appears from the expressions: “*sit et habeatur universitas,*” “*academiae privilegiis ornavit,*” and from the power of the College to confer degrees ‘*intra se.*’ It cannot therefore admit of doubt that prior to the Letters Patent of Queen Victoria a gift to the ‘Corporation of the University of Dublin’ would have meant a gift to Trinity College, Dublin, and could have meant nothing else.”

Later on in his judgment the following sentence occurs, referring to the intention of the testator :—

“The testator had left the College and University long before the Senate was incorporated or the Council heard of. It was to Trinity College, and its University of Dublin, inseparably and indistinguishably blended with it, that he owed his training and his degree.”

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